

THE

DEBATES IN THE HONOURABLE HOUSE

OF

COMMONS,

Assembled at Oxford, March 21. 1680.

Printed from R. Baldwin's Printed Copy.

To which is added,

THE WHOLE PROCEEDINGS

OF

The said Honourable HOUSE.

LONDON,

Printed for John Peacock, M. DC. LXXXI.

The three first days being spent in choosing their Speaker, the confirming of him, and taking the Oaths, as the Law directs, on Thursday March 24. 1680. they begun thus.

THURSDAY March 24. 1680.

Sir H.

R. Speaker, what I am about to move concerns us all. The last Parliament when you was moved to Print your Votes, it was for the Security of the Nation, and you found it so. It prevented ill Representations of us to the World by false Copies of our Votes, and none doubted your Honour in the care of it. And I am confident that this House will be no more affected of their Actions than the last was. Printing our Votes will be for the Honour of the King, and the Safety

of the Nation. I am confident, if it had been necessary, you would have had Petitions from the Parts I come from, that your Actions might be made publick. As I came hither, every body almost that I met upon the Road cried, God bless you in what you are going about. I move therefore, that your Votes may be ordered forthwith to be Printed, with the rest of your Proceedings; and I shall only add, that your self has done so well in taking that care upon you the last Parliament, that the House will desire you to continue them in the same Method.

Sir W.C. That which put me upon moving the Printing your Votes the last Parliament, was false Copies that went about in former Parliaments, of the Votes and Transactions of the House. Let men think what they please, the Weight of England is the People, and the more they know, the heavier weight it be; and I had wish some would be so wise as to consider, that this Weight hath sunk in Ministers of State almost in all Ages, and I do not in the least doubt, but it will do so to those who are the Enemies of our Religion and Liberties. And the World will find, that the honest Commons of England will forsake Popery at last, therefore I second the Motion.

Sir J. I beg pardon if I consent not to the Motion of Printing the Votes, &c. Consider the Gravity of this Assembly. There is no great Assembly in Christendom does it; 'tis against the Gravity of this Assembly, and 'tis a sort of Appeal to the People. 'Tis against your Gravity, and I am against it.

H.B. If you had been a Privy Council, then 'twere fit what you do should be kept secret. Your Journal Books are open, and Copies of your Votes in every Coffee-house; and if you Print them not, half Votes will be dispersed to your prejudice. This Printing, &c. is like plain Englishmen, who are not ashamed of what they do, and the People whom you represent will have a true account of what you do. You may prevent the publishing what parts of the Transactions you please, and Print the rest.

A.G. I find that those who write out Votes and Transactions, and send them all England over are favoured; and I believe no Gentleman in the House will be against Printing them but the Secretary. I hope you will not have reason to be ashamed of what you do, therefore I am for Printing, &c.

Col. M. By experience we have found, that when former Parliaments have been Prorogued or Dissolved, they have been sent away with a Declaration against their Proceedings. If our Actions be naught, let the World judge of them; if they be good, let them have their virtue. 'Tis fit that all Christendom should have notice of what you do, and Posterity what you have done, and I hope they will do as you do: therefore I am for Printing, &c.

Sir F.W. What has been said by the Secretary is a single Opinion; (for he says, that Printing the Votes is an Appeal to the People) I hope the House will take notice, That Printing the Votes is not against Law. But pray, who sent us hither? The Privy Council is constituted by the King, but the House of Commons is by the choice of the People. I think it not natural nor rational, that the People who sent us hither should not be informed of our Actions. In the Long Parliament it was a Trade amongst Clerks to write the Votes, and disperse them, and were question'd for it there; but 'twas then said by a Learned Gentleman, that 'twas no offence to inform the People of the Votes in Parliament, the Journal Books being open, and the People ought to have notice of them. The Long Parliament were wise in their generation, to conceal many things they did from the People, and yet the Clerk was sent away who dispersed the Votes, and had nothing done to him. The Popish Party dread nothing more than Printing what you do, and I dread a man in the Secretaries post, and such an Accusation as was upon him in the last Parliament, that he should hold such a Position, That Printing the Votes is an Appeal to the People. *Vide the Printed Vote of this day.*

A Motion was made to inquire into the Mischance of the Bill for Repeal of 35 Eliz. &c.

R.H. I think the Motion is to inquire after the slipping of that Act the last Parliament, and not presenting it for the Royal Assent. For my own part, I look upon it as a Breach of the Constitution of the Government. We are told that we are Republicans, and would change the Government; but such as are about to do so, 'tis a natural fear in them to be thought so, and they will cast it upon others. In a Crowd 'tis frequent for Pickpockets to cry out, Gentlemen have a care of your Pockets, that they may more securely do it themselves, and have the less suspicion upon them. I will not offer this great thing to the Consideration to day, but move you to adjourn, it till to morrow.

Sir

Sir F.W. I shall humbly put in this word; I doubt this matter will be too big to be debated to day, 'tis of great importance, and will not be forgotten, be pleased to adjourn the Debate, &c.

Sir N.C. I humbly move, that for the preservation of the Protestant Religion and the Kings Person, a Bill be brought in to prevent a Popish Successor, and in particular against James Duke of York, the same Bill which pass the last Parliament.

Sec. J. You are upon rising, and I shall not detain you long. I must give my Negative to this Motion, and my reason why I do so is, because the King hath declared in his Speech, that as to the point of altering the Succession, he cannot depart from what he has so often declared. The King has given his Vote against it, and therefore I must do so too.

L.G. The Duke of York is in Scotland, and I hope the King will come up to what he has said in his Speech. My Liberty and Property is dear to me, and I'll support the King's Prerogative too; and I hope we shall remove those People (Briars and Thorns) who scratch you in your intentions against Popery; which I see we cannot prevent without this Bill to exclude the Duke, &c. And therefore I am for it.

Col. B. I am heartily glad to find that the Zeal of the House still continues for the preservation of the Protestant Religion. My Opinion is, that we cannot preserve the Protestant Religion with a Popish Successor to the Crown, no more than Water can be kept cold in the hot Pot; but I would do it in all the decent ways to come at it. The King recommends to you in his Speech, to look back to what he formerly said as to the Succession, &c. If there be no other way to prevent Popery, but a Bill to exclude the D. &c. from the Succession, &c. my Opinion is, That 'twill be more decent to our Prince, and better for those who sent us hither, that before the Bill be brought in, to give it the honour of a day, to consider of Expedients to save Religion under a Popish Successor; for that I shall expect from some Honourable Persons: but if none come, then you may proceed to this Bill with more honour. Therefore I move to appoint a day to consider of it.

Sir J.E. I should not have troubled you, but from what was spoke last. By all means just and lawful, we are to secure our Religion and Properties: We see the great attempts made upon us from Rome, and we must do something for our farther security. I will not speak of the former Bill of Excluding the D. &c. nor of the K.'s Speech, that gives you latitude for Expedients; and I would not offer any, if I thought they would not do as well as that Bill, which is but an Expedient. But because the K. has declared against that Bill, and invited you to Expedients, I would not put that Bill any more to the hazard of rejection, but think of some Expedients.

W.H. I can see no Expedient to save Religion and the K.'s person, but the Bill to Exclude the D. &c. All Gentlemen, I believe, would be willing as to the manner and save the matter: But when our Prince is encompassed (all) with the D.'s Creatures, the D.'s safety is because of their dependencies: The danger is not from Popery, but from the Kings being encompassed with the D.'s Creatures. I would proceed in this matter with all decency; and since a day is moved for, pray let's have time to consider.

Sir C.M. You are invited by the K.'s gracious Motion to consider how to preserve Religion, &c. I desire we may not now put a Question for bringing in a Bill to exclude the D. &c. else properly we cannot consider any Expedients for preservation of Religion.

B.W. The consideration of the preservation of the Protestant Religion, is of that weight, that though we have shew'd our Zeal to it, yet I would not run upon a thing of this great nature, without consideration. They who advised the K.'s Speech, must answer for it. The words of the Speech are, *If any other way can be found out, &c. &c. &c.* I think those about the K. have done enough to ruine Him and Us: But I would have the K. see we are so far from putting him upon that stress, that we would help him out. I think that speech the K. read to us, to have nothing of the Kings in it; he is a better man, and a better Protestant, than to do it of Himself: Therefore I would not put on a Resolution as flat and as short as that is in the King's Speech. The K. has gone as far as this Resolution in his Speech comes to, in his Declaration about Dissenters formerly; and yet from the Reasons from Hence, he was perswaded to revoke it. If persons have been so prevalent as to put the K. upon this Speech, let me see those Persons so forward to bring the K. into a thing to help him out, if they do not, I hope the K. will lay the blame at their doors, and not at ours. If they could have told us what Expedients were necessary, they would have put them into the K.'s Speech, and the Resolution-part of not altering the Succession would have been left out. A little consideration in this great matter, can do us no hurt, and will satisfy the people without doors: But if they about the K. can find out no Expedients, I hope he will lay them aside, and take their counsel no more. Put not off this Consideration farther than Saturday; and if they can find us out an Expedient betwixt this and then, 'tis very well.

H. P. I have always observed, that the most deliberate Proceedings have had the best success here, and the best reputation abroad. I am as willing as any man to come to this moved for, but with deliberate steps. For my share, though I hear of Expedients abroad, yet I cannot conceive that a Title or Name can destroy the Nature of Expedients. But the K. in his Speech has held you out a Handle (*vide*) And I would not give those about the K. occasion to say, that this House is running into a Breach with him. I would pay the K. all the respect in the world, and you cannot avoid setting apart a time to consider Expedients; and I would not mix any thing with the Debate that day. I think to morrow is

too soon to debate it : I shall propofe *Saturday* for that confideration ; and then let us do what's fit in to weighty a matter.

R. A. This is a matter of great weight, and I would adjourn it to to-morrow. For the reason of propofing Expedients, I do not move to adjourn for that, for 'tis a little reason to me to expect any, as 'twas the laft Parliament. That Parliament gave reasons why no Expedients could be of any effect, but this Bill of Exclusion ; and that Parliament law enough of Expedients. There are a great many talked of abroad in the Streets, and won't you hear Expedients ? What can a man fay with any modesty ? But no man can fay but we are in danger of lofing our Religion, if the D. fhould come to the Crown. But the Queftion before you is, Whether you'll put off this Debate ? Therefore I move that the Houfe will take into Debate the Security of the Proteftant Religion to-morrow.

Sir F. W. All that I fhall propofe is, that you would fo word the Queftion as to have no diminution on to the Motion made for the Bill, &c. upon your Books, nor prejudice, nor reflection. When this Bill paffed the laft Parliament, it was *Nemine contradicente* ; and moft of this Parliament were of the laft. For expedients, 'tis a word mightily ufed and talked of, and willingly embraced ; but none have been propofed. Let this matter be reafsumed on *Saturday*-morning, and fo take into confideration to fecure the Proteftant Religion ; and not to let appear upon your Books any thing relating to Expedients or preventing a Popifh Succeffor.

J. T. I was much furprized at the K's Speech, confidering your weighty Reasons for the Bill, &c. the laft Parliament ; and that the Lords found out no Expedients for prefervation of Religion, and yet threw out the Bill. But that the K. may fee, that what we do, is out of real fenfe of the danger we are in from a Popifh Succeffor, and not in contradiction to him ; and when nothing is found out to fave us, we may juftifie our felves in what we do, I am for adjourning the debate. *Vote, while the Print.*

FRIDAY March 25. 1681.

Thanks moved for free Choice of Members.
J. S. **V**hen there has been a general Corruption, and all have not done their duty, you fhould diftinguifh and give thanks to them that have ; as formerly you have done to Officers for doing their duty in fuppreffion of Popery, when through the corruption of the times fome have not done their duty. Nothing is more Parliamentary than to return Thanks to thofe who have freely and without expence chofen you members ; and I defire that the Members fo elected may be ordered to fend their Thanks to thofe who chofe them. *Kide the Voice in the Print.*

The lofs of the Bill for repeal of 15 Eliz. moved.

Sir W. J. This matter deferves material confideration, whether in refpect of the lofs of the Bill, or the fhaking of the very Conftitution of Parliament. The Bill that is loft is of great moment, and of great fervice to the Country, and perhaps to their lives in the time of a Popifh Succeffor. Thofe men that hindered the paffing that Bill, had a profpect of that ; and if it be fent up again, we are like to meet with great oppofition. But be the Bill what it will, the Precedent is of the higheft confequence : The King has his Negative to all Bills ; but I never knew that the Clerk of the Parliament had a Negative, if he laid it afide or not. But confider, if we fend up many good Bills, if this be not fearch'd into, we may be deprived of them. No man that knows Law or History, but can tell that to Bills grateful and Popular the K. gives his confent to them. But if this way be found out, that Bills fhould be thrown by, it may be hereafter faid, they were forgot and laid by, and fo we fhall never know whether the K. would pafs them or no. If this be fuffered, 'tis in vain to fend time here ; and it will be a great matter to find times to redrefs it. I move therefore, that a meffage be fent to the Lords for a conference, that fome way may be found out to give us fatisfaction in this great matter.

H. B. I do concur with the Gentleman fpoke laft, that *Parliaments* are Prorogued and Difolved by the King ; and now here is a new way found out to frustrate Bills. The King cannot take one part of a Bill, and reject another, but gives a direct answer to the whole. But to avoid that, this Bill was never prefented to the King, a thing never done before. I defire we may fend to the Lords for a Conference, to represent this Innovation, and that a Committee be appointed to draw up Reasons for the Managers.

W. G. I was a friend to this Bill, and I agree in all things concerning the weight of it. The laying this Bill afide, is fuch a breach of the Conftitution of *Parliament*, that 'tis in vain to pafs any Bill if this mifcarriage be not fearch'd into. By the Conftitution of *Parliaments*, all Bills but Money-Bills, after they are paffed both Houfes, are depofited in the Lords hands ; and 'tis below you to look after the Clerks for this Bill. If the Lords give you no answer for the lofs of this Bill that is fatisfactory, I would then fend to them to know a Reason why this Bill was not tendred to his Majesty with the other Bills.

Sir A. M. I would have you fearch the Lords Journals, and if you find no account of the Bill there, then 'twill be time for us to go to the Lords to require fatisfaction.

Sir A. J. I have not much to offer to you, but I fully concur in the weight and confequence of this matter, and you are to take all the care you can to fecure it for the future. Never any thing of this nature was done before, but the Bill for obfervation of the Lords day in the late long *Parliament*. 'Twas left upon the Table at a Conference, and ftoln away. But 'tis not proper (I conceive) to take notice of this in a Meffage to the Lords, becaufe the mifcarriage of this Bill was in another *Parliament*. The matter muft go upon the defire of a Conference with the Lords, concerning the Rights and Privileges of both Houfes of *Parliament* ; and then you may appoint a Committee to inform you of the progress of this matter.

E. V. I think the passing over the inquiry after the loss of the Bill of the Sabbath, in the late long *Parliament*, was the great occasion of the loss of this. Consider how many interruptions *Parliaments* have had of late in the greatest business by Prorogations and Dissolutions; and another way to gratify your Enemies, is to stifle Laws, when they have a mind the people should have no benefit of them, though they have passed both Houses. Therefore I move, &c. *ut ante*.

Sir H. C. I differ only as to the words. I agree to a Conference, but no more to be said, than to know what's become of the Bill; for the Lords are the Depositories of all Bills but Money. Without any other words, I would send to the Lords for a Conference, to know what's become of the Bill. I know but of three Negatives, but by this proceeding here is a fourth Negative, which may destroy the Government.

S. T. 'Tis the best way in this matter to observe old Methods; and the best Method to know the Lords minds, is by Conference. I remember in the late long *Parliament*, the Lords sent to us for a Conference, and at it told the Roof of our House was falling on our heads; but they sent us not a Message of the danger we were in by the falling of the Roof, but desired a Conference about a matter of great consequence. Therefore I would now send to the Lords for a Conference of matters relating to the Nation.

R. H. I would say this, We desire a Conference with the Lords concerning the Constitution of *Parliaments* in matters relating to passing of Bills. *Vide Printed Vote*.

Sir T. L. This is a thing of as high weight as we can confer upon: Therefore I would not do less than in a thing of lesser moment. Let a Committee meet, and then agree of the subject matter, till then you know not what to say at the Conference; and 'twill be Munday at the soonest before you can do it. I shall offer another thing at the Conference; I would offer the Lords the consequence of this way of proceeding, and to desire the Lords to put the thing into a way of Examination, that the Complices may be fit for punishment: And at the same Conference, would desire a Committee of both Houses to consider where the miscarriage lay.

Danby's Case Reported, &c. The Account of Fitzharris, and the Libel read, &c. Treby's Examination, &c.

Sir F. H. I humbly move Fitzharris's Examination may be printed, for the World to see the Devilish Conspiracies of the Papists:

Sir W. F. I like the Motion for printing; nothing is in this paper but what's fit to be printed. It fully makes out those Informations you have had before. And because we all know that since my Lord *Staffords* Tryal, people have been prevailed upon to believe the Plot not true, and this confirms *Oates* and *Bedloe's* Informations, I would have them printed, but not the Libellous paper which reflects upon the King.

Sec. F. I will not trouble you but with that part I had in this affair. The paper was read over to the King by *Sir W. Waller*. Therefore according to the Kings Command I issued out a Warrant for apprehending *Fitzharris*, and *Sir W. Waller* was to take care of the execution of the Warrant.

Sir F. W. This is a matter of great Importance, and we ought to acquit our selves in it like wise men. We that come out of the Country hear, that that Treasonable paper which has been read by *Sir W. Waller*, was to have been sent to many Gentlemen, they to have been seized the upon, as Traytors in the Conspiracy; it may be this was that new Plot. All we have is at the stake, therefore how long or short our sitting is like to be here (the Trooper *Harrison* said there would be other Guards at *Oxford*) let not our courage lessen. This being our case, let us go to the bottom of this business of *Fitzharris*: Therefore I move, he may be sent for and Impeached. We know by experience, when once an Accusation is in *Parliament* on Record, and in the greatest Court of the Kingdom made known, Malefactors have not been cleared, and you have had Justice; therefore I would have care taken that this Man be Impeached of High-Treason, and it may be he will relent, and tell you all.

Sir R. C. When *Fitzharris* Examination was taken at *Newgate*, he asked whether he had said enough to save his life. I told him, I thought he had not dealt ingeniously, unless he would tell what Counsel he had for drawing and modelling the paper; and I bid him be ingenuous in the whole matter, and I would come and take his further Examination. But the next day after he promised this, he was removed out of our reach into the Tower. Impeachment Ordered, vide in the Print.

Twos moved that Secretary Jen. should carry up the Impeachment to the Lords.

Sec. F. The sending me upon this Message, &c. reflects upon the King my Master; and do what you will with me I will not go. *Many called, To the Bar, to the Bar.*

Sir T. L. I would not have said one word, but that the very being of *Parliament* is in the case. 'Tis to no end to sit here any longer if this be suffered. There can be no ground, reason, or thought, to bring the King in question, or reflection upon him in this Impeachment, or on the Secretary. But for him to say, do what you will with me, I will not go with the Impeachment, is what I never heard said in *Parliament* before. Let the words fell from him be written down before he explain them, according to the Order of the House.

Sir G. H. I never heard such words before, that the whole House of Commons should reflect upon the King, and that he will not obey your Order; let the words be written down.

F. T. The House will be contemptible to the extreamest degree if this be suffered. Such a thing as never was in *Parliament* before, that the whole House should reflect on the King, and for him to say do what you will, I will not go. *Moves ut ante.*

Sec. F. I said no such thing, that the House reflected on the King, but that I take it as a reflection upon the King my Master.

F. T. His words were, This had not been put upon me but for the Character I bear.

At last the Secretaries words were thus stated, This Message is put upon me for the Character I bear. I value not my Life nor Liberty, do what you will, I will not go.

Sec. F. I say this is put upon me, to my apprehension, for the Character I bear, and do what you will with me I will not go.

Sir W. F. I am sorry to see any Member behave himself at this rate. This Department confirms me in the opinion of the design of some men, to suppress the Honour of this House. There has been a Book written, (which I hope in time will be inquired after) That the House of Commons sprang first out of Rebellion in *H. 3.* time. This goes on this day in the same method. Let a man be of what Quality he will, if he be too big to be your Member, he is not to be chosen. To scorn the Commands of the House, and to be too big to be a Messenger of the House of Commons! Secretaries are sent of Messages every day, and is he too big a Messenger to accuse a person of the Popish Plot? His words seem to import, as if the King would not have the prosecution of the Plot. If this be so, sit no longer here, but go home. His Character is great, and he may be privy to things hid from us, by this extraordinary carriage. Are we come to that pass, to be dealt withal, as none of our Predecessors ever were? If my Brother or Son dealt with the House thus, I would call him to account. For ought I see, he provokes the House more by his Explanation, therefore pray go on.

Sec. J. I am as ready, and think my self as much obliged to obey the Commands of the House, as any man here. The Office I have excludes me not from it; but the thing I stand upon is, that the Motion was carried on in Rickle. I have an Honour for this, and ever had for all Houses of Commons; but in this Message I must and will be excused.

Sir R. C. Rickle is not a word proper for a House of Commons; and what is appointed by the House, is done with all gravity; especially where the life of a man is concerned. We are in an unfortunate Age, few things come to more light than before, that it should be said that Impeachments strike at the King, that the Dukes Bill, &c. is aimed at the King; I am sorry to hear it said here, as well as in other places. This Impeachment he is put upon is for the Kings Service, and he tells you it reflects upon the King. All is reversed, if what the Commons do, must be as if it reflected upon the King. I have all imaginable respect to the King; But, Sir, we are in a Ship, and we have to do with the Master, and he with us. If this Gentleman would make any sort of excuse, I would willingly accept it; but he has not taken on his Crime, but rather aggravated it. If he have nothing farther to say, he must withdraw, and then you'll have a Motion made for the Honour of the House.

Sir T. M. I know no other difference in any person here; if the Secretary said, I thought it reflected on the King, a man may be mistaken in his thoughts; and in case it be so, he would suffer any thing under that reflection. He said it was his thoughts, that the carrying the Message was a reflection upon the King, and in that case would suffer any thing rather than a reflection upon the King and his Character.

Sir J. E. 'Tis an ill thing to stumble at the entrance: I hope the Secretary intended no dis-service to the House, but on a mistake. I did apprehend it, and some others, that it was in jest. But in jest or earnest, one ought to obey the Commands of the House, but every man cannot subdue his own fears. But I would know upon farther consideration, whether the Secretary will undertake this service or no. I am the worst advocate in the world for any obdurate person. But I humbly offer, whether the Gentleman will serve you or no before he withdraw.

Exit, removed from his place, and whispered with the Secretary.

Sec. J. Since the House is so favourable as to hear me, I shall only say, that I did apprehend sending me with the Message to the Lords, was a reflection upon the King: if I did apprehend it a reflection upon my Master, I could not but resent it. I am heartily sorry I have incurred the displeasure of the House, and I hope they will pardon the freedom of the expression. I apprehended it a reflection upon the King, and no other consideration whatsoever induced me to say the words.

M. F. Took upon this has come from the Secretary, as so great a reflection upon the House, that he ought to come to the Bar upon his knees, and ask pardon of the House.

Sec. B. We are all subject to infirmities: seeing that the thing is so, the Secretary could not apprehend any reflection on the King by sending him with the Message; but he might apprehend it on himself, it was a little smilingly moved; but since he has explained himself, I would have this, &c. pass by, as I would on the like occasion desire for my self.

Sec. C. The Gentleman's fault is a great one; but that after he has begged the pardon of the House, I am willing to pass it over. Though it be a great fault, yet 'tis too little to give occasion of a breach at this time.

Sec. J. I am ready to obey the Order of the House, and I am sorry my words gave offence.

So he went on the Message.

Col. B. We ought all to give God thanks for this Discovery of Fitzharris, next to the first Discovery of the Plot. It is a great service to the Nation, and 'tis not the first that Sir W. Waller has done. If ever the thanks of the House was deserved, it is for this Discovery: and I move Sir W. Waller may have the thanks of the House. Ordered, vide the Print.

SATURDAY, March 26. 1681.

Order of the day, vide P. Int.

Sir R. C. I Confess I have been full of expectation of some Expedient to secure the Life of the King, and the Protestant Religion, without the Bill for Excluding the Duke, &c. My expectation is from those who opposed the Expedients of the Bill, (for I can call it no otherwise) I have in my weak judgement weighed all Expedients I have heard of, and they seem all to me to be a breach of the Constitution of the Government, and to throw us into disorder and confusion. I have heard that it has been an ancient usage that Members have consulted their Cities, Burroughs, and Counties in anything of weight, as well as giving Money, before they resolved on it: The practice was good, and I wish it were continued; and we can discharge our Trust no better, than in consulting the direction of those who sent us hither. I received an Address from the City of London (having the Honour to be one of their Representatives) in the matter of this Bill of Excluding the Duke, &c. I heartily wish some Expedient may be found out to save our Religion without it. But I must pursue my trust, therefore I move a Bill may be brought in to Exclude all Popish Successors, and in particular James Duke of York.

Ed R. I have the same obligation upon me as the worthy person who spoke last, from the County I have the honour to serve for. I have been long of opinion, that nothing but this Bill can secure us from Popery. In the long Parliament, 'twas said, that the Duke was a Papist; and the danger of his power will be more now, and every day informs us of the sad consequences of it, I should be glad if any thing but this Bill could secure us. I know nothing else can, therefore I humbly Move for it, &c.

R. M. The security of the Protestant Religion, and the preservation of the Kings Person, is of so great weight, that we should not have staid to this day to exclude the Duke; but I am sorry to hear this Language, that because the King has said in his Speech, he will stick to his former resolution in not altering the Succession, &c. and proposed a kind of expedient, &c. but in this we are not used to an English Parliament, but a French, to be told what we are to do, and what not: 'tis the greatest Arbitrary power in England to come a Parliament, which may be as in defiance to bring us hither; but to be called to York, or any part of England. I believe we shall be the freemen we are here, and were at Westminster. My Lord Danby Dissolved the long Parliament, and said, he had spoiled the old Rooks, and had took away their false Dice; and then started in the new Ministers, and they justle and cut again, and Dissolve Parliaments, till they engage one for their turn. I have heard much might laid upon Dissolving the Duke, sure no father will scruple to Dissolve a Son, or a Brother, nor turn away Servants that would ruin him: if Bishops and Counsellors would speak plain, they can answer deferring our security so long. But neither the Ministers of the Gospel have endeavoured the preservation of our Religion, nor the Ministers of State the Government, both acting against Religion and safety of the Kings Person. And I have no expectation of our safety, but the Bill to exclude the Duke, and therefore I move for it, &c.

Sec. J. If this Debate must be proceeded in with the Regularity and Circumspection it ought to be, you have transgressed the Order of the day already. Several Gentlemen tell us, that there is no Expedient, but none tell us what is. All men believe the Religion of the Duke is as fatal a thing to the Nation as can be, should he come to be King: and what do they deserve that perverted the Duke? But let us consider what depends upon this House, and let us proceed like Men. If we are of Opinion that Exclusion of the Duke is the best way to preserve Religion, this House cannot do it alone: if we cannot have that best way, We are guilty to our Country, if we take none. If a Man be sick, and so ordered that nothing must be taken but by directi-

on of three Physicians, and two are for giving him *Jesuits powder*, and one against it, and he thinks he does the duty of his profession; but they all three not agreeing in it, must the Patient take nothing? And We are but one part of the Legislature: power But for *Expedients*, I remember in the Dutch War the House Went into a grand Committee: to consider *Expedients* for raising Money, to save Land-Tax. A Man, Whoever he be, that proposes an *Expedient*, will desire leave to make good that *Expedient*, and must speak, may be often to it; but if it prove to be none, *that man will be trampled upon*. A Committee of the whole House will be most proper for this purpose. If there be a dispute to which Question shall take place, if the first be denied, the other may take its place; but not one to exclude all the rest, as this Bill will do. Let it be *Exclusion, Limitation, or what it will*, your Order is general, To find out means against Popery, and preservation of the Kings Life. When Men press on so fast, they may come late into their Inn by tying their Horses. Let a grand Committee try *Expedients*, else 'tis not reasonable but disagree. I am of a contrary Opinion of having this great Matter Debated in the House, and for the reason I have told you: and if Gentlemen you will do reasonably, a grand Committee is your Way to proceed in.

F. S. You have had Motions proposed for *Expedients*, but there is not a word of *Expedients* in the Order, and that answers it. (The Order was read.) Those who were here present when the Order was made, have left it free for a Bill, or any other thing; and therefore they are not tied to have Bills, or offer *Expedients* against Bills. To the misse of the three Physicians, that two could do nothing, without the third, though one was for one thing, and another for another; if the case be such, that the two in the judgment of the third did offer nothing to the sick man but what was Mortal, he ventur'd upon his own Disreputation to joyn with them. However, the three Physicians do not agree; we never yet saw any thing from the Lords in answer to this Bill; all *Expedients* have hitherto been to increase our fears of the King, and to hasten our undoing; and when all was at a Stake to have *Parliaments Dissolved*, that was an ill *Expedient*. Those who were near the King, and heard their own judgments, and are come over to this Bill, *They are all put away*, and those about the King now are for *Expedients*. The Council of the *Jesuits* they have their end by disappointing the Kingdom, and by raising the fears of the people, either to take up with a false security, as good as none, and so to impose Popery upon them that way or to bring the Kingdom into disorder, When Religion and Laws, and all are at the dispose of a Popish Successor the Kingdom will be in great disorder, that the Protestants will not be able to enjoy them quietly; the Papists have no surer way to effect their ends. For the House to go into a grand Committee, 'tis a Motion of great weight. If you deny it, it looks as if you would preclude, and deny free Debate. If you accept it, you will lie under the inconvenience of delay, and who knows how long we have to sit? If we were sure of our time to sit two or three Months, I would be willing to go into a grand Committee: But as to the umbrage of refusing a Committee, 'tis not like other cases. I would have an instance, if ever, in a thing of this weight, the House went into a grand Committee. This matter of Excluding the Duke has been depending two *Parliaments*, and any other way for our Security would have been accepted. Nothing else could be found out, the last *Parliament*, the whole Kingdom was satisfied with nothing else. And now what reason is there to go into a grand Committee, for a thing so often debated to the bottom? No man can deny but a grand Committee is proper, when something of an *Expedient* is offered; but to offer it generally, is as if the thing was never consulted nor debated before. I never saw any *Expedient* but this Bill, nor any reason offered against the Bill, but let it slide, and think of *Expedients*. Therefore pray proceed according to the Order.

L. G. If any Gentleman have *Expedients*, I desire he would propose them; if they be of any weight, they will deserve well of the House; if it seems to them they will give us security, I would be glad to hear them.

Sir F. B. When the Motion was first made for going into a grand Committee to hear *Expedients*, I did then second it for this reason; because of the honour of the place I serve in, I did understand by the Kings Speech there was *Exclusion*, I am unwilling to determine the sense of any man, who am of the weakest. But a Motion was first and seconded for a Committee of the whole House, and when that is done I shall offer something.

T. B. I must speak against that Question of a grand Committee, pray keep to the Order of the day. *Expedients* that have been moved for already as the *Jesuits Powder* for an *Ague*, &c. but our Disease is a *Plurisy*, and we must let *Blind* *Deaf* go to what will do our business, and it may be we must have other *Expedients* to fortifie the Bill. I would have the House rightly understand, that those who are against going into a grand Committee, and for excluding the Duke from the Succession, and those who are for a grand Committee, are for him to succeed; and put the Question if you please.

Sir P. R. To Exclude the Duke from the Succession, &c. that is a good *Expedient* to prevent Popery; pray let that or others that shall be presented be considered.

Sir T. M. If there be but one *Expedient* offered, I do not think that ground sufficient to go into a grand Committee: to consider it, but possibly there may be several. This Bill is agreed to be an *Expedient*; and I have known that in Affairs of less weight than this, you have gone into a Committee. If an *Expedient* must be offered in the House, you cannot but allow Gentlemen to make replies in a fair Debate, to answer Objections. And if you in the House still depart from that form, the House or Committee are equal to me. But our Debate is broke; one Gentleman said, he would be content with a Committee, if not intended for delay. I do not doubt but this day will have its full effect. When 'twas moved on Thursday last, for this day to take into consideration the preservation of Religion, without naming *Bill* or *Expedients*, it gave a great credit to your Work. I would have no discouragements upon People that have *Expedients*, by not going into a grand Committee.

R. H. We are perplexed in having several Questions on foot. I shall put you in mind, that this Bill now proposed, is no new nor strange thing. Our business I suppose, is to find out *Expedients* to preserve the Protestant Religion, and the Kings person; here is a way has past two *Parliaments* already; a way no reasonable objection has ever been made against it; and a way rejected by the Lords in gross, without offering any or her. But I doubt, if other *Expedients* be tried, if they prove false, we shall endanger the Protestant Religion. Some have said, that Gentlemen apprehend they have *Expedients*; why then may not they be propounded, that the House may judge whether 'twill be worth going into a grand Committee to consider them? But if Gentlemen will have it their own way, or not at all, I'll tell you how this looks, if they were following one way, and nothing another: but he does not discharge his duty to his Country that does so; therefore if Gentlemen have any *Expedients*, pray let them offer them.

Sir F. B. If the House be of a mind not to enter into a grand Committee, I shall offer my little Mite, as it is every mans duty to offer *Expedients* that has any. I doubt not but other men have and better than me; but if we go for into a grand Committee, I shall offer what I have. I do apprehend by the Bill proposed, that 'tis a Bar to the Succession of the Duke, and places the Succession in the next Heir. I shall propose if you please, not the name of King, but the power as a Regency in the next Heir, 'tis no new thing; in Spain and France, and (God knows) we have seen it done in our Kingdom. If the Administration be placed safe in the person, that may have no power to resign to the Duke, and may have full power and authority at the death of the King to call that *Parliament* which fate last, who shall have time to sit to confirm this by Act of *Parliament*. I hope this may be done, and may be done safely, if you can contrive such a way.

Sir N. C. As I understand, 'tis proposed, that the Government shall be in Regency during the Dukes Life. I would be satisfied, if the Duke will not submit to that, whether those that fight against it are not Traitors in Law.

Sir W. P. I think this you are upon a matter of great weight; some *Expedient* has been offered you; I believe as yet but a crude one, and I cannot imagine will ever be an effectual one. He that moved it, tells you, he hopes when drawn into better form, it may do what you desire. It excludes the Duke, and in his place, the next in the Succession shall have the Regency in

in him: — But our last Act left it in the Law. Consider what is a Regency; I never heard of it, but of a *Trinee* in possession, in Minority, or Lunacy, and it has generally been very unfortunate. But to talk of a Regency in futuro, in condition and limitation of time, I never heard of. This *Expedient* does not answer the Kings Speech nor your former Bill; they make the King but a shadow, and they divide Person from Power, our Law will not endure it. The Person divided from the Power, both will be courted; and who that *next Heir will be we know not*. The King leads you to consider *Expedients*, but such as will consist with the safety and dignity of Monarchy. — This must be two Kings at the same time, one by Law, and another by Right. *Portugal* gives us some instance of Regency, where the King was put into *Triffin* for Miscarriages in the Government, and his *next Heir* made Regent; but there is a vast difference in these two cases. The King of *Portugal* was set aside for personal Miscarriages, not for being a *Papist*; and which is another thing, that was present, this is to come. If this Question be to let the Duke in, and then make a Question, whether Allegiance be due to him; but I am afraid, that unless we be true to those we represent, from whom by express direction most of us are to pursue the Bill, &c. we shall not be avowed in what we do. The Bill, &c. has been under consideration of all the People of *England* and perhaps all the *Protestants* of *Europe*: all the Wits of Learned Men have made their Objections against it, yet notwithstanding, all people of *England* are still of the same mind. — And now we run upon the most misshapen thing, which it may be two or three years before we understand it and we may expect to have an operation of it no body knows when. I see very little weight in it; unless improved by some other person: therefore I am for the Bill.

Sir T. Lin. We are flying at a great matter. To fight against the Duke if he should be King. — God forbid. — We have been told three or four times of Directions Gentlemen have had from their Principals, to be against all those things of *Expedients*, and to insist upon the Bill of *Exclusion* &c. I would not have that way much cherished, 'tis an uncertain thing; and no footsteps remain of any *Papers* from their Country. I take the meaning of that going down, is to consult their Neighbours for Direction what to do. I hear talk to day of *Parliaments of France*, but this way is as dangerous, like the States of *Holland* to consult with their Principals before they resolve, most unusual, and of very dangerous consequence. A Regency has been proposed to secure the Administration of the Government in *Protestant* Hands; so as not to alter the Constitution of the Monarchy, and this alters the Constitution of the Monarchy the least imaginable. A Regency in room of a King, and the Monarchy goes on. We have had Regent Protectors, call it what you please, *Primas Consiliarius*, in case of a Minor Prince; but I propose not this. If you alter the Government, I am against it, but here is offered a Regent in place of the King, or transferring the Government. But it may be said, *where shall the Duke be all this while?* That point I think is pretty well over, there is no design of Seclusion. — The Lords would have banished him 600 Miles from *England*. — The Duke has an Estate, and he, as all Men besides loves it, and will not part with it, and will do nothing to forfeit it. But your Bill of *Exclusion* excludes the Duke, and the Crown then is to fall as it does fall. What is then the Case? You must imagine, either his own Daughter will take up Arms, if the Duke attempt the Crown; or some body else will, to keep him out, and that will raise such an anger in the Duke's mind, whether will they shelter themselves? Not under his Daughter: they must naturally shelter themselves and run into Arms. *Cromwell's* way was to keep up an Army of Sixty Thousand Men for his Security, especially an Army clothed with Victory. — And they that have it will keep it. We are not in the condition we were formerly: when the Lords cherished their Tenants by good Leases, they could raise an Army, and send them home to their Houses when they had done what they were raised for: But we are now in another way: raise an Army, and they will think of their own Interest to be kept up. But if it falls out thus, your Bill leaves it very loose. — As soon as this Bill is past suppose the Regency established in the *Princes of Orange* or the *Lady Anne*: and in the same Law a Commission be sent over to take an Oath from her strictly to execute this Law, you are then not left in that loose manner you will be by the Bill, &c. 'Twill be a far less matter for her to save a Family, before Misfortune come upon it, than to take the Government upon her afterwards, in the trouble of an opposition. But it may be said, *what needs all this? 'tis just nothing but retaining the name of King in an exiled man?* — But 'tis less violation in her to Govern in her Fathers Name, than to take the Kingdom from him. It may be wondered, why in *Portugal* upon Depositing that King, there was a great debate of the three Estates (though they hold not the proportion as they do here). In this great Debate, the Commons were for *Don Pedro* to be King, the Nobility to have him Regent, the *Ecclesiastics* demurred; but at last both came over to the Nobility. But *Don Pedro* stuck here, and would still leave his Brother the Title of King, and would leave nothing of shelter, to force Nature too far. There are Reserves in the King's Speech, I cannot but take notice of by the way. There is another thing to be considered. Some will be paying a deference to the Sacredness of a Crown, for Governments sake. This Objection looks like something. He is like to be five hundred Miles off, and a Law to take up Arms against him. — How was that Law, that the King and *Parliament* have power to dispose of the Crown? It was then an Opinion amongst Lawyers, that the Crown was unalienable: but when that Law was made, that Opinion was damnd under a Penalty, though it was a standing Maxim, before that Statute was made. If so, this new Act will be a *Misfortune* what is proposed, as that was for the other. For my part, I have had the ill fortune to have the wind in my Face, and to be against the general Opinion and Stream of the World: and having had for some time, no share in the Government, may speak possibly more freely than they that have. 'Tis a great Crime to spy things too soon, which makes men apt to run from one Extreme to another. I have proposed the best *Expedient* I can, and most safe; but I am afraid, if you do nothing in this great Affair now it is started, (I'll grapple with neither of the *Expedients*) but if you do nothing but let the thing lye loose, you'll gratify the *Fesuits* by our confusion, and the *Common-Wealth* by men to shuffle the Cards again. But if you go into some Action, both the best of Men will be undone.

Sir W. A. I have heard with great Attention this very Learned and Able Gentleman. I am really of Opinion, if any better *Expedient* could have been found out, than what has been proposed, let it be as soon as any Gentleman would have proposed it. But I am amazed that so learned a Gentleman should not see through this *Expedient*. That which I take for his *Expedient* is, the Duke to retain the Name of King, and the next Heir to be under the Title of Regent or Protector: What does he mean by next Heir? For any thing I know and believe, it is the Duke's Daughter; but it may be the Duke may have a Son. Either I have a great Cloud upon my Understanding, or this is strange that if the Duke have a Son, and shall he at a Day, a Month, or a Year old be Regent? Suppose the *Princes of Orange* come over, and she dye, (the Prince of *Orange* has no right to the Regency) and the Duke a Child, and that Child be Regent, that Child must have a Protector, and so there will be a Protector of a Protector. But Sir, We are told, that nothing but to keep up the Greatness of the Government makes them so from the Bill of *Exclusion* to this *Expedient*. But is it so great and pleasing a thing to wear a Crown, and be called a King, and have no Authority? It is much worse than to lose an Estate, and the possession of it. If the Bill pass, and the Duke be banished 600 Miles off, it must be out of *England*. — if the name will please him in Civility, beyond the Sea he shall be called King, and it will be as much to his purpose beyond the Sea to be called King only as here. — But for the Security of his Estate being here: *He that would venture the loss of a Kingdom for Religion will his Estate too*: that's but a weak tie. It is less injustice to take away the Crown and power from him, than to have of him but the Name. If you allow the Duke the Name, it will imply a Right; therefore for that to be used as an Argument is strange. But why is this Contention and all this ado? I wonder, for an empty Name? But I am afraid, this *Expedient* is a kind of *Subtil powder*. (I do not think the Gentlemans Intent or Opinion is for the *Fesuits*.) But a Wise Man may over-do sometimes. — If you do not Exclude the Duke's Title, the Duke is King first, and then will Learned Lawyers tell you, that by 1. H. 7. All incapacity is taken away by the possession of the CROWN.

If you take not away the Descent of the Crown, and that the Duke has a Title to be King, then without doubt all incapacities fail, — but if the thing may be effectually done, I am as willing to exclude him the Name, as well as the power; but Lawyers know no distinction. — When the Lady comes to be Regent, not only Nature, but Conscience will put her upon giving *Cæsar* his due; and perhaps that Text some of our Divines will preach upon. They'll say, that the Parliament by what they have done, acknowledge a good Title in the Duke. But if he be King, as the Parliament allows him to be in Name, he has right of Descent, and so will be restored to all the Rights of King. — An Argument upon Queen *Mary* like this, restored the first Fruits and Tenths. — Another thing perhaps may come from them that proposed this Expedient, (I do not believe it came from that Gent. &c.) if you had pass the other Bill, great many would not submit to it; but if you pass this, if the Duke have right to be King, and be kept from the Administration of it, I doubt whether I shall fight against him. And the Papists will say, you have got a Law to separate that which is inseparable. I would, if I were as the Duke, have this Bill to perplex my Opposers, rather than a clear one. He has told you of an Army to maintain the Bill, &c. — which will not soon be laid down. But why an Army? — If there must be an Army for your Bill, there will be four Armies requisite to maintain the Expedient. — A Protector has been proposed, not like that of *E. 6.* who was little more than the now Lord President of the Council. — But certainly they who proposed the Expedient, would have by it the same power of letting in the Duke, as of keeping him out. Therefore I move to lay aside this consideration, and take up the Bill as has been Moved for.

L. G. I think it is fit we should present Reasons to the King for passing this Bill of Excluding the Duke, &c. I do think that the Administration of the Government has been in such hands since the King came in, that though the Ministers have been changed, yet the same principles remain to this day, though some have been removed. — The breaking of the Tripple League, the taking of the *Dutch Smyrna Fleet*. The King of *France* makes War for his glory, and we for nothing but to get Riches to make the King Absolute. Such a violation was done upon the Rights of the people as has been done. — *He was called down to Order.*

E. V. A Question so extremely well spoken unto, to be interrupted with any angry Question, is not very decent at this time; what is spoken of, is matter to be inquired into another time; though the Gentleman does it with a worthy intent. If any Gentleman have any thing else to propose, pray hear him.

[*L. G. Goes on.*] I intended to Move you for Reasons to induce the King to pass this Bill. The strange and dishonourable Retrenchments made in the Kings Family. — He is surrounded by the Dukes Creatures. — 'Tis not safe for the King to part with any one Minister, unless he part with all; and when these men have got a Bank of Money for a Popish Successor, then will be the time to take away the King.

Sir F. W. This we are upon is a matter of great weight and difficulty. Let any man that can, maintain this Expedient, or give you a new one.

Sir T. M. I have heard with patience this Expedient which has been well offered, and I believe mistaken by the Gentleman who answered it. I must say this, your Question and your business is Religion, and I have given as good proof of my zeal for the Protestant Religion this twenty years, as any man has; and I have been for this Bill of Excluding the Duke, &c. I am of opinion something must be done to secure Religion. For the point of Law mentioned, if the Law be such, That Dominion must run with the Name of King, that single Reason is to carry the Debate. But if I answer not that, I am at an end. But sure those words that can disinherit a King, may make this Expedient Law. I would not rise now, if I thought the Bill to Exclude the Duke, &c. could pass; my grounds are but Conjectures. The last Parliament I did think this Bill would pass with greasing the wheels. The condition of England is thus; we do need one another, both King and People; and we have need to make use of a Parliament to assist one another, to relieve us in the difficulties we are in. If the Duke should be King, he will need a Parliament, and so will the People. In order to this, if another Expedient can be found out as like this, though not the same, which no objection of Law could destroy, he would do the King and Kingdom great Service and advantage who would produce it. In this necessity we are like two great Armies encamped upon two Hills, and neither dare remove, nor for want of Valour, but from their Reason: he that has the last Loaf stays longest, necessity compels the other to discamp. At last it must be one side or other, or else England will have the worst of it. But if none will venture to clear the matter in point of Law, I am answered. If any could alter that Bill, that it should not be the same we have had twice before, I should like it. I like this Expedient offered you, for 'tis a Bill of Exclusion, and so strong a one, that the Duke may choose the first rather. I am for the nail that will drive to do our business. If Gentlemen have other thoughts, pray so contrive it, that we have one Bill or t'other.

W. H. All the Expedients I have heard yet, are like a Cucumber, when you have well dressed it, throw it away. These Gentlemen tell you, they will bring in a Bill of Excluding the Duke from the Regency, &c. This proposition is either honest or not; if it be honest and without design, then all the dispute betwixt the King and Us, will be, whether the Duke shall have a Title to the Crown. But I hope the King will rather gratify the Nation, than the Duke. If this be not honest, and people about the King circumvent him, they will find means from day to day to divert him. Why was England so fond of *Calis*, but to have some footstep into France? And so this Bill, let the Bill pass, and all those Gentlemen who have dependency upon the Duke, if he come to the Crown, will change matters.

Sir F. W. A worthy Member not being satisfied with Arguments of Law against the Expedient, that calls me up, as in my profession. The Question about this Bill of Exclusion, that 'tis lawful in Conscience, no man will oppose: the great opposers of it in the Lords House, agreed it lawful when they threw it out. — Not *Jure Divino* unlawful *concurrentibus iis qui concurrere debent*. Some Gentlemen told you, their Country gave them Instructions to press this Bill of Exclusion, &c. *Sir T. Litt.* said, it was dangerous to take Instructions from the Country: But I say, 'tis much more to take it from Court. Parliaments formerly upon any extraordinary matter, staid, and sent their Members to consult with those who sent them. I am not subjugated (when I am here) to what the Country does propose. I am as much against a Republic as he that fears it; but I am a Protestant. I say, I know *Sir T. Litt.* to be of that Experience and Reason, that if he go away satisfied in this matter, he will do all the good he can in the post he is in. But to keep close to this Question; It being allowed by Law, That an Exclusion of the D. from the Crown may be; the next thing is to consider the Expedient of Regency proposed. The same Authority that can make a Descent of the Crown, may modify it. He argued to shew that the Regency would make the Duke insignificant in the Administration of the Government. Now the Question is, which is the most practicable. We Lawyers are aptest to go on the strongest side, and to call every thing Pterogative. He put you a case in King *James's* time, the Sheriff of — there was an exception in his Commission, that he should not keep the County Court of — but should have all other Exercises of his Office. But the Judges resolved he was Sheriff to all intents and purposes, and that he could not be hindered keeping the County Court. An Act of Parliament against common sense is void. To make a man King, and not suffer him to exercise Kingly power, is a contradiction. Some clauses formerly in Acts of Parliament, were flattering clauses, to satisfy the people, and not let them have the thing. Should this of the Expedient, be an Act, 'tis nonsense, and may be said hereafter, the

House of Commons were outwitted. I owe the Duke obedience if he be King: but if he be King, and have no power to govern, he is the King and no King. I have urged this to shew, that this is no *Expedient*, it bears only peoples Eyes, and is no solid security. To say the Duke values his Estate, which he may forfeit, &c. He loves a Crown too very well, therefore you are not to arm your self in point of Conscience, but in point of Reason. The last *Parliament* I did see, by the management of the *Papists* and the *Ministers*, that without this *Bill of Exclusion*, our ruine is irresistible. If the Duke come to the Crown, he brings with his Religion *Merum Imperium*, and that made me fond of the Bill; but if by Law the Duke never was King, there is no case of Conscience lies upon us in his *Exclusion*. I will only make this observation of the Kings Speech, in relation to this Question — And if it be practicable, the ridding of our selves quit of that Party, &c. and not to lay so much weight upon one *Expedient*, as to determine all others are ineffectual, vide Speech! The two main points (it seems) the King doubts himself, and all this delivered by the King in great wisdom, is clipt off to this *Expedient* of the Regency. You see now we come to *Expedients*; the Ministers have had two *Parliaments* to consider it, and now we are come to this *Expedient* of the Regency. I find no security in Law by this *Expedient*; you take away nothing by this *Expedient*, and therefore I hope the *Bill of Exclusion* will pass. I hope that Reason, and not great Offices, will take men off from their *Nemine contradicente*. I speak this as a dying man, and humbly Move for the *Bill*, &c.

H. B. I have it in command from my Country, That they apprehend no *Expedient* to secure us from Popery, but that the Remedy will be worse than the Disease, unless this *Bill*. I have heard as yet no Reason given against it. But there is an *aliquid latet*. If the D. be not set aside, I am sure the Government will be; and therefore I am for the *Bill of Exclusion*, &c.

Sir T. M. I know not how far Sir Fr. Win. Argument may be prest, what *Bill* soever we may have. Pray let us have the Law on our sides, that if the K. should dye, we may know whither we are to go. I think the K's Speech is penned as it ought to be penned; and should a K speak positively to what Laws He would have, we are an *Irish* Parliament, and not an *English*; but the K's words are tender words. The thing lies fairly before you, if any *Expedient* can be thought of, not to destroy the Monarchy; and if the next presented be not the best, not to refuse the next.

E. V. You have had an *Expedient* offered you for a Regency, &c. instead of the *Bill of Exclusion*, &c. Pray consider what this Regency is? 'Tis the whole Office of a King to appoint Judges, call *Parliaments*, &c. This Power they would take away from the Duke. But if by Law they will reserve the name of King to the Duke, 'tis to bring a War upon us, and to bring the Duke in by force. This Regency must be supported by War, as well as the *Bill of Exclusion*. By the 13 *Eliz.* the Crown is not alienable by the K. but may be alienated by King, Lords, and Commons. And when that Statute was made, no Successour was named to keep King James in awe; which I conceive was the Reason why none was named in the last *Bill of Exclusion*. Though we have bin frightened out from that *Bill* by *Prorogations* and *Dissolutions*, yet 'twill not frighten them whose Reasons go along with it. And I am for that *Bill*, because all men are for it, and have sent up the same *Parliament* again that pass it. But if you lead people into uncertainties in the Government (as this project of Regency undoubtedly will do) the Court and the Country will be of a mind to lay aside *Parliaments*, because they are useless.

Sir H. C. Peoples eyes are now enlightened, and all the world over they are an informed people. The *Papists* care not who is K. if he be a *Papist*. And so he proceeded much to the same purpose in several Speeches in the last *Parliament*.

G. L. I would not have spoke so much out of duty to my Master, but for the duty I owe to my Country. I owe a new obligation to the K. for I am the D's Servant from the K. My Father was a Servant to the late K. and this; and I have my protection under Him. I was bred in England, and for his Service at Sea. I know my own weakness, not being bred to the Law; but by enquiry I find, that the Doctrine of disposing a Kingdom from the Right Heir is Damnable: and 'tis the Doctrine of the Church of Rome. I have heard that in the 24 *E. 3.* the K. demanded advice of the *Parliament*, in matters relating to the Crown. The answer was by the whole *Parliament*, They could not advise in any thing relating to the Crown, nor of Disinheriting Him to whom they were sworn. The Fundamental and Common Law of England has made the Duke Heir to the Crown, if the K. have no Sons. The Title of Hen. 4. was confirmed by *Parliament*, but he laid his Claim of Descent from H. 3. and it continued in that Descent till H. 6. and then the *Parliament* declared that those Acts were not binding, but unjust; and declared the Oaths of Allegiance to those Kings infamous and wicked; and so the Right Heir came in. H. 8. had Power to dispose of the Crown, by his last Will and Testament, to place and displace the Crown at his pleasure, yet all his right Heirs came to the Crown; though Jane Gray claimed it by virtue of that Will, and baited her Title with Religion. Queen Elizabeth made a Law, That whoever did maintain, That the Crown could not be disposed of by *Parliament*, should be Guilty of Treason, &c. and for ever after of *Præmunire*. But since that, there is a Re-stitution of King James, which acknowledged him lawfully, rightly, and justly the next Heir to the Crown, and did beseech the K. to accept of their Allegiance to him and his Posterity: And I think our Ancestors swore to the K. and his Posterity, as well as we. 'Tis a great Happiness to this Nation that both the Lines are united, and that we are rid of the Misfortunes of the *Barons Wars*. We have had Attempts to turn the Government into Republicque. And who knows but that if you put by the Right of the D. the Revenue of the Crown being much upon the people, but that there may be Attempts to turn the Government into a Republic again? When my Father was in Prison in the late Troubles, an eminent man then in Power in discourse with him said, I have obliged you, and if the K. come in, as I believe He will, then think of me; Look to your selves when you are in the Saddle again: If once you divide adieu to Monarchy for ever. If you keep out the D. what must follow? An Act of Association; I speak now for England, and for my Posterity (I have seven Children,) How will this look? The Kings Father Murder'd, and his Brother taken from Him; Will this take no effect with the King? I with the Duke many happy days, but the King more from my heart than the Duke. The King is a healthful Man, and the Duke is not. I am not barely the Duke's Servant, which makes me concern my self; nor out of pique of Honour would I do any thing to destroy my Posterity. Therefore I am against the *Bill*, &c.

Sir W. C. That which calls me up, is to answer something that was said by the worthy Member that spoke last; I am for the *Bill of Exclusion*, (and was so the last *Parliament*;) because I am clearly satisfied there can be no Security without it: But I must so far agree with him, that this *Bill* (if it should pass) will not be a full and complete Security. But — Here being an Interruption by a noise in the House, this Gentleman proceeded no further.

Col. B. This is the day of England's distress, and not only England, but upon this days Debate depends the good fate of the Protestant Religion all the world over; except you expect a Miracle from Heaven, nothing else can save the Protestant Religion, but this *Bill of Exclusion*. I think I have said this many years ago, That *Papish* *Marches* would bring in Popery at last. As to the point of Law (spoken of) that 'twill be interpreted according to the strength of the Party — But I doubt not, if we do our endeavours, God will help us, if we have nothing left us but Prayers and Tears. We are in condition of Conquest or Compact, and so is all Government. Interest must defend this *Bill*, and not an Army; we are the Army. I have a Family as well as others, and where Idolatry must be set up; and rather than my Children should breathe in such an air; I had rather they were buried, and had all the

the mischiefs in the world. Col. L. ingenuously offer'd some things; but without this *Bill* you may sit down, take a *Papish Successor*, and renounce the *Protestant Religion*. I would break this *Papish* Interest, and then Interest will maintain this *Bill*. If once this *Bill* pass, and as in the *Queen Elizabeth's* time Protestants are put in places of Trust, you need not fear the disturbance spoken of. Where ten were of this mind, an hundred are now that will bleed for this *Bill*. In plain English, let the world see that the *Protestant Religion* is dear to us, and we shall have the *Law* on our side.

Sir T. Litt. I was mistaken by some Gentlemen in what I said: I shall be very short and tender of the time, because 'tis late. That of the *Lady Maries* Regency obviated an absurdity in the former *Bill*. If the *Duke* should have a Son, where are you then? The *Lady* cannot descend from the Throne, having possess'd it. But my meaning was, that the *Two Princesses* respectively should Succeed in the Regency during the Minority of that Son. The *Bill of Exclusion* is so weak a thing, that 'twill need all the props to support it. And a train of consequences will follow it. What is told you of *Scotland*, is worth your considering; if *Scotland* be not consenting to it, I know not how you'll obviate that. It unites the *Papists* of *England* and *France*, which we ought above all things to prevent.

H. B. He may be convinced by his own Argument. For by so much the easier 'tis for the *Princess of Orange* to descend from her Authority of Regent, so much the less is our Security. And for *Scotland*, the same Interest that passes this *Bill* here, will do it in *Scotland*, and in *Ireland* there is no need of it. By this Proposition of the Regency, all Commissions Military by Sea and Land, Church and Law, are to go on in the *Dukes* name. And if all Dispatches under the Great Seal must go under his Name, we can have no Security. The Oaths of Allegiance and Supremacy can be taken to none but Him; and if that be granted, That 'tis unlawful to take up Arms against the *K.* or those Commissioned by him — If that be not a true proposition, I know not why that Declaration was made: It lies loose to me, I must confess. This Expedient seems to me, as if a man that scorched his Shins at the Fire, instead of removing himself farther off, should send for a Mason to remove the Chimney back. I have heard from Lawyers, That if a man do make a Freehold-Lease to begin from the date thereof, 'tis void. It would be more ingenious for the Gentlemen to say, If you do pass the *Bill to Exclude the Duke*, they will not be bound by it, they will have the *D.* to succeed; and then I wish they would tell us what will save the *Protestant Religion*. If the *Duke* come to the Crown, will Gentlemen choose either to be *Papists*, or burnt, or hang'd? I have no disrespect to the *Duke* if this Proposal could keep out Popery: But if I am to leap over a River, I had rather have no Staff than a broken one. This can be no Security. If you leave it in the power of the Council to make War and Peace, and dispose of Money, Pray then where is the Government? Either they will be faithful, and keep the *Law of Regency*; or the *King* must be *King* but in name, and they the Soul of the Government. I have heard the Expedients with patience, and have not been over-hasty to put the Question. But I see no Remedy to save Religion, unless excluding the *Duke*; Therefore pray put the Question for the *Bill*, &c.

The Question was stated.

R. H. You have been moved to add to the *Duke's Exclusion* all other *Papish Successors*. This is a *Bill* on purpose to Exclude the *Duke* only. You may exclude all other *Papists* from Succeeding, &c. in another *Bill* by it self. But I observe, that the way to lose a *Bill* is to clog it.

H. C. I shall only observe, that by the last *Bill of Exclusion*, if the *Duke* should turn *Protestant*, He will be Excluded; and if the *Princess of Orange* turn *Papist*, she is not Excluded. Vid. the Vote for the *Bill* in Print.

In the AFTERNOON.

An Account given of the Lords throwing out the IMPEACHMENT of Fitzharris.

Sir T. L. I See by the Lords refusing this Impeachment, no farther use of a Parliament. They will be a Court, or not a Court, to serve a present purpose. —

Sir W. J. In a matter so plain, and which concerns the very being of Parliaments, I am unwilling to make unnecessary doubts. If an Action be brought in the lower Courts, it does not hinder that Action being brought in Westminster-Hall, if no Judgement upon it; and it holds the like in this case. Indictments were brought against the Lords in the Tower at Common-Law, and yet was no Impediment to their Impeachment in the Lords House; but here is no Indictment or prosecution brought against Fitzharris. We have an Instance fresh in Memory; The Lord Chief-Justice Scroggs a Commoner, and not Indicted at Common-Law, yet the Lords without any scruple accepted his Impeachment; so that we need not spend our time to search Precedents. Perhaps the Lords Journals were not made up, but our Members have taken Notes out of the Minute-Book — by them we find the Lords have determined a great point. The Lords Spiritual as well as the Lords Temporal have Voted it, which we own not in this Judicature, nor I hope never shall; and we are denied Justice by the Lords Spiritual, who have no Right to Vote. This is doing a double Act of Injustice. And since the Lords have taken upon them to throw out the Impeachment of Fitzharris, let us Vote, That the Commons have a Right to Impeach in Capital cases; and that the Lords have denied us Justice, in refusing the Impeachment. And after you have asserted your Privileges, then draw up Reasons for maintaining them. And if the Dissolution of the Parliament follows, it's the fault of those Men who will not hear our Reasons, and in a Parliamentary way at a Conference shew how unwarrantable the Lords actions have been in their way of proceeding.

Sir F. W. If this Impeachment of Fitzharris was of so ordinary a nature as a Monopoly, &c. I should not press upon this matter. But this is not an ordinary Accusation, but that which relates to our Religion and Property; and how the Bishops come to stifle this, let God and the world judge. I would know if a man be Impeached by the Commons, and no Indictment against him, (only the Attorney General told the Lords, that the King gave Directions he should be prosecuted, and no Record against him) whether this is a ground to deny our Impeachment; If the Lords will Vote that the Commons shall not Impeach him, they may as well Vote they shall not be Prosecutors; But yet we will be so. This is a New Plot against the Protestants, of which Fitzharris is accused, and we must not Impeach him, in this the Lords fairly say, We must not hear it. If this be the Case, I desire you'll come to some Vote. You are willing to discover the Plot if you could. If the Attorney-General had prepared a Prosecution in an Inferiour Court, and they had proceeded to Judgement, then it is pleaded in Bar to the Judgement of a Superior Court. If our time be short, (as I believe it is) pray do not delay to come to some Resolution; if the House be satisfied in it, pray make a Vote to assert your Right. A little while ago, when the Duke was presented for a Papist, the Grand Jury you know was dismiss'd by Chief-Justice, &c. This seems as if the Lords were bound in Honour to justify the Judges Proceedings by their own. 'Tis a reflection of weakness in a man, who doubts in a plain matter; and if no man doubts our Right, pray Vote it so.

Sir R. H. I am glad we are off from the great thing yesterday. I cannot believe but that the Lords have Judgment enough to have cause for what they do, and in this cause of Fitzharris Impeachment. In this matter, Presidents you need not search. This of Fitzharris seems to me to be a more dangerous breath than usual, a breath

fit to be stifled; there is something in this more than ordinary. If there be so sacred a respect to the common Tryals of England in Inferiour Courts, 'tis strange that the House of Commons should be below a common Jury. If in the case of *Skinner*, and the fact done beyond the Sea, the Lords contended with the Commons about judging it, though it was an original cause, this was no great value of the Law of England. But it seems they value *Fitzharris* to keep him from us. When I have heard in all the Speeches to day, that the Duke does not go single;—and have heard so excellent discourses to day of that matter, I am loath to mingle my weakness.—But such Counsel as this, the King hereafter will have no cause to thank them, for involving him in the fatality of those Counsels; as if they would make the Libel of *Fitzharris* the Copy of their Counsels. *Dangerfield* was reputed a most infamous person, yet if he would speak what he knew, nothing of mercy was too big for him; But *Fitzharris* is a man of no infamy, and yet they hurry him away to the Tower, when he began to confels in *Newgate*. Are you so lost, that you have no mercy left for the Protestant Religion? This is strange, if the terror of his condition make him confels the whole Plot, and he be taken out of our hands. We hear of other things, as that the French Ambassador had a hand in this Plot. which a Jury will not inquire into, their business is only whether *Fitzharris* be guilty or not guilty of the Indictment. I must confels, that with the carriage of this, I have enlarged my suspicion, for I cannot but suspect unusual ways. The worst of Mankind with all his Villanies about him, has been Pardoned. —Is there in this any provocation given by us; but something depends upon this Man, as well as upon the Bill to day. When you was told by Secretary J. He would not carry the Impeachment, &c. and the House would make no Breach, by taking any severe course against him, but pass it over with temper—sure we must not lay down all prosecution of the Plot, and say, that the Protestant Religion shall have no mercy. *Fitzharris* may merit mercy by confession; and if his breath be stoppt by the Lords, I am sorry that People will say, if it were not for the Lords, *Fitzharris* might have discovered all the conspiracy, and the Protestant Religion might have been saved. I move therefore, that in your Vote you will not only say, That denying this Impeachment, &c. tends to the subverting the Constitution of Parliaments but of the Protestant Religion also. And I hope we shall proceed in this with the same calmness of mind that every man does with, who would not lose his Religion.

Serg. M. A Plot we all know has been on foot in England, and I am sure in Ireland too, and what Arts and Crafts have been used to hide the Plot? It began with Murder and Perjury, and false Subornation, and this of *Fitzharris* is a second part of that. We have sent up an Impeachment against *Fitzharris*, and the Lords deny to receive it. In effect they make us no Parliament, if we are the prosecutors, and they will not hear our Accusation, 'tis strange, when their own Lives as well as ours are concerned in the Plot. The same day we Impeach *Fitzharris*, the Lords Vote, we shall not prosecute him. —Now when all is at stake, we must not prosecute. If this be so, Holland and Flanders must submit to the French, and they run over all. This is a strange Breach of Privilege, and tends to the Danger of the King's Person, and Destruction of the Protestant Religion.

Sir T. P. This of *Fitzharris* is a considerable Confirmation of the former Plot; I call it the Old Plot, but 'tis still new upon us. This is a confirmation of the Design to Murder the King, and the Duke consenting to destroy his own Brother and our King. I have often heard it whisper'd, that this Plot was Madams Design at Dover. 'Tis plain that Justice Godfrey was Murdered, and that the Army at Blackheath was to destroy the Protestants in Holland, and to awe the City of London. When *Fitzharris* was in an Inclination to discover what he knew, and two or three Honourable Members went to Examine him, this man was fetch'd the next day to Whitehall, and sent to the Tower, and so we were deprived of all farther hopes of Discovery. We have received the Information he gave, and now that the Man may be in no capacity to discover farther, they stop his Mouth. I move therefore, that you will declare, That if any Judge, Justice, or Jury proceed upon him, and he be found Guilty, that you will declare them Guilty of his Murder, and Betrayers of the Rights of the Commons of England. [Vid. the Printed Votes.]

Sir W. J. Now the House has done as much as is fit for the Lords, but we do not know how Inferiour Courts will proceed; therefore I'll propose a Vote, That if any Inferiour Court shall proceed &c. [which pass. Vid. the Print.] I would not give occasion to people to say, we do things in an extraordinary manner. 'Tis late, and pray let's Adjourn.

MUNDAY, March 28. 1681.

The Bill for Excluding the DUKE, &c. read.

Sec. J. NO Bill was ever offered in Parliaments of the like nature, so much against the Justice of the Nation, it condemns a Man never heard, and then 'tis a Law made *ex post facto*. —Very extraordinary—against the Fundamental Justice of the Nation; and not only that, but against the wisdom of the Nation, and will introduce a change of the Government. If the Duke will try to cut this Law with his Sword, if he overcome, he will have the same power to set aside all Laws, both for Religion and Property: the power will be in the hands of the Conquerour, and certainly he will change the Government. 'Tis against the Religion of the Nation, which teaches us to pay Obedience to our Governours, whether good or bad, never so faulty or criminal. In Primitive Christianity, Obedience was paid to Heathen Princes, in *licitis & honestis*; and we are not to do evil that good may come of it, nor on the prospect of any good. I shall say one word more, 'tis against the Oaths of the Nation, of Allegiance and Supremacy. The Duke is the Kings lawful Heir, if he have no Son, and in the Eye of the Law I am sworn to him, and every Oath is in the sense of the Law giv'r. If this Disinherison pass now into a new Law, who dispenses me from that Oath to the King? possibly I am too tedious, and not willingly heard. — If the Bill be against the Religion of the Nation, being obliged by Oaths, against the Government and the Wisdom of the Nation, I hope you will throw it out.

T. B. Sec. J. has moved to throw out the Bill, and desired to be heard patiently; I find no body second him, pray let him go on and second himself. Ordered a Second Reading.

Sir W. J. Because there has been much discourse in the Town of the Votes that pass on Saturday, upon the Lords Spiritual and Temporal rejecting the Impeachment, &c. though I believe what is done will be made good, yet I would for the present, give the Nation all the satisfaction we can, that we are in the right. Amongst our misfortunes in being called to this place, we are far remote from Records and Books; but yet I think it may be easie to prepare our selves to maintain what we have done. According to the little light I have, I find it the undoubted right of the Commons, not only to bring Impeachments against Lords, but against Commons too. *Magna Charta* does not only say, *Per judicium Parium*, &c. but *per Legem Terræ*, &c. Tryal by Parliament is *Lex Terræ*. I have heard of a Record, 4 E. 3. where when the E. of March, —

The Black Rod came to command their Attendance in the House of Lords, whether they immediately went, and the Lord Chancellor by command of the King Dissolved the Parliament.

FINIS.

(1)

THE
PROCEEDINGS
Of the House of
COMMONS,
At OXFORD.

Lun. 21^o die Martii, 168^o.

THe House being met, there came a Message from the King, which was delivered by *Thomas Duppa*, Esq; Deputy Gentleman-Usher of the *Black Rod*.

Gentlemen of the House of Commons,

The King Commands this Honourable House to attend him immediately in the House of Peers.

And accordingly the House went up to attend his Majesty, who was pleased (after having made a Speech) to Command the Commons to return to their House, and proceed to the choice of their *Speaker*.

And the House having returned from his Majesty, *William Williams* Esq; Speaker of the last Parliament, was unanimously chosen by the House for their Speaker in this Parliament, and Conducted to the Chair by two of the Members, and there in a Speech accepted the Service of the House; which Speech was as follows.

Gentlemen,

IT were vanity in me by Arguments from Weakness and Unfitness to disable my self for your Service in this Chair at this Time.

The Unanimous Voice of the House calling me to this Place includes me, and leaves me without excuse: Whom the Commons have Elect-ed for this Trust, is to be supposed worthy and fit for it; wherefore I must acquiesce in your Commands.

Apprehending this (choice proceeds from the Example you have from your Countries by your own Elections, making this Parliament, as much as in you and them lies, the same with the last; therefore you have the same Speaker.

I ought not to offer any sort of Assurance to this House of my resolved Constancy, Fidelity and Vigilancy in the discharge of this Duty; the Just sense I have of the Honour generally given me this day is your stipulation for my good Abearance; the Trust I owe and am to answer to God, my Religion, to *England* and *English-men* in this Service, must tye me to do and suffer all that Flesh and Blood can add or endure in your Choice.

B

This

This followed directly after p 10 (ending, ending) in the original volume from which it was removed
172 (1926)

Called for by the HPS

This is not the time to speak much, but to act well: Without more words then, in order to our proper Parliamentary Method of Proceedings, Gentlemen, admit me to make it my first Motion, That your Debates and Proceedings may be regular and orderly, without Reflection, without Passion, and that my Actings and Behaviour may have your kind and candid Construction; and you shall find there is not any thing so dear to me, which shall not be advanced in the Service of the Commons in Parliament by me.

The House being informed that his Majesty had appointed to morrow Three of the Clock in the Afternoon, for the House to present the Speaker.

Martis 22^o die Martii, 168^o.

THe House being met, and Mr. *Speaker* having taken the Chair, A Message was delivered from the King, by *Thomas Duppa*, Esq; Deputy Gentleman-Usher of the *Black Rod*.

Gentlemen of the House of Commons,

The King Commands this Honourable House to Attend Him immediately in the *House of Peers*.

And accordingly Mr. *Speaker* with the *House* went up to attend *His Majesty*, and Mr. *Speaker* with a Speech, humbly represented to *His Majesty*, That the *House of Commons* had Chosen him their *Speaker*; and he made Claim by humble Address to *His Majesty* in the Name of the Commons of *England* in Parliament Assembled, of the Antient Rights of the Commons for them and their Servants, in their Persons and Estates, to be free from Arrests and other Disturbances, in all their Debates to have Liberty and Freedom of Speech, and as occasion shall require, to have Access to *His Majesties Royal Person*. Which Speeches at large are here inserted together with the Chancellors Answers by *His Majesties Command*.

May it please Your Majesty,

THE Knights, Citizens and Burgesses in Parliament Assembled, with Duty and Loyalty agreeable to themselves and the Persons whom they Represent, have in Obedience to Your Royal Pleasure, for the disposing of themselves in that great Assembly for Your Majesties Service, considered of a *Speaker*; and to manifest to Your Majesty and the World they are not inclinable to Changes, have with One Voice Elected me their *Speaker*, having had the *Honour* to serve Your Majesty and the Commons in that Trust in the last *Parliament*.

With all *Humility* I presume again by their Commands to stand before Your Majesty to receive Your Pleasure with a *Head* and *Heart* full of Loyalty to Your *Sacred Person*; armed with a settled Resolution never to depart from Your *Well, Ancient* and *Established Government*.

The

*The Lord Chancellor by His Majesty's Command
said to this purpose.*

Mr. Speaker,

FOr so I am commanded to call you, *His Majesty* hath well considered the Choice the Commons have made, and does very much approve of that Election, and doth accept and allow you for Speaker.

*The further Speech of Will. Williams, Esq; then
presented to His most Excellent Majesty.*

Most Gracious Sovereign,

Natural Allegiance commands Loyalty to Your Majesty from every Subject.

Your singular Grace and Favour to me in the last Parliament, continued by the honour I have in this, add more than Dutifulness and Obedience to my Loyalty.

I am set in the first station of your Commons for Trust and Quality, an high and slippery place; it requires a steady head and well pois'd Body in him that will stand firm there. Uprightness is the safe posture and best policy, and shall be mine in this place, guarded with this Opinion, that Your Majesty's service in this Trust is one and the same with the service of your Commons, and that they are no more to be divided than your Crown and Sceptre.

They truly serve the Crown and Countrey, (which shall be my care and industry) who make the safety of your Sacred Person, the defence and security of the Protestant Religion, the support of Your Majesty's Government, the maintainance of the Laws, and preservation of the ancient Constitutions of Parliament; one and the same undivided Interest, one and the same Safety, one and the same inseparable Security for your Self and People.

These are the desires of all good men, but must be the effects of good Counsels for the enabling of Your Majesty's great Council now in Parliament assembled, to complete this blessed Establishment with all humility. I address to Your Majesty in the name and on the behalf of the Commons in Parliament.

1. That we and our Servants may be free in our Persons and Estates from Arrests and other disturbances.
2. That in our Debates Liberty and Freedom of Speech be allow'd us.
3. That as occasion shall require, Your Majesty will vouchsafe us Access to your Royal Person.

I take leave to joyn this humble Petition for my self, That nothing by me, in weakness or through inadvertency, said or done, may turn to the prejudice of the Commons; and that my Behaviour and Proceedings may receive a benign and favourable interpretation with Your Gracious Majesty.

The

The Lord Chancellour, by Command from His Majesty, said to this effect.

Mr. Speaker,

ALL your Petitions are fully and freely granted by his Majesty, in as large and in as ample a manner as ever any *House of Commons* yet enjoyed them. The King is very sure the Wisdom of this *House of Commons* will make as prudent an use of them, as any of your Ancestors ever did. Your own particular Petition is grateful to the King too, because he knows you will be as careful to avoid mistakes, as his Majesty is ready to forgive them.

And now, *Mr. Speaker*, these Preliminaries being thus over, the King desires you would hasten to the rest that are necessary to be dispatch'd, before we can enter upon business, that so we may husband time, which is now more necessary than ever; and he hopes that this Parliament will come to a very happy and prosperous Conclusion. And that it may do so, God Almighty direct and prosper all your Consultations.

The *House* being returned, and *Mr. Speaker* having taken the Chair and made Report thereof to the *House*,

The House adjourned,

Mercurii 23^o die Martii, 168^o.

THE *House* being met, proceeded to the taking the Oaths of Allegiance and Supremacy, and making and subscribing the Declaration directed by an Act made in the thirtieth year of his now Majesty's Reign, entituled, *An Act for the more effectual preserving the Kings Person and Government, by disabling Papists from sitting in either House of Parliament.*

And *Mr. Speaker* and a great number of the Members of the *House* having taken the said Oaths, and made and subscribed the said Declaration,

The House adjourned.

Jovis 24 die Martii, 1680.

A Bill to correct vexatious Actions of Trespas was read the first time.
Resolved, That the Bill be read a second time.

Ordered, That where there is any double Returns of Members to serve in this present Parliament, such Members do forbear to sit untill the said Returns be decided.

A Petition of *Richard Duke*, Esq; touching the Election for the Burrough of *Ashburton* in the County of *Devon*.

A Petition of the Burgesses and Inhabitants of the Burrough of *Southwark* in the County of *Surrey*, touching the Election for the said Burrough.

A Petition of *Sir Richard Stevens* Knight, touching the Election for the Burrough of *Portsmouth* in the County of *Southampton*.

A Petition of *Sir Peter Tyrrel* Baronet, and *Charles Blount* Esq; touching the Election for the Burrough of *Buckingham* in the County of *Bucks*.

A Pe-

A Petition of *Denzel Ouslow* and *Francis Dorrington* Esquires, touching the Election for the Burrough of *Haslemere* in the County of *Surrey*.

A Petition of *Humphrey Burlace* and *Nicholas Burlace* Esquires, touching the Election for the Burrough of *Mitchell* in the County of *Cornwall*.

A Petition of *Francis Paulert* Esq; and *Sir Robert Henley* Knight, touching the Election for the Burrough of *Andover* in the County of *Southampton*.

A Petition of *Sir Roger Hill* Knight, touching the Election for the Burrough of *Agmondesham* in the County of *Bucks*.

A Petition of *Algernon Sidney* Esq; touching the same Election.

A Petition of *Edward Hungerford* and *John Eyles* Esquires, touching the Election for the Burrough of *Devizes* in the County of *Wilts*.

A Petition of *John Turton* Esq; touching the Election for the Burrough of *Tamworth* in the Counties of *Warwick* and *Stafford*.

A Petition of *George Roddy* Bridges Esq; touching the Election for the City of *Litchfield*.

A Petition of *Thomas Hooper* Esq; touching the Election for the Burrough of *Christchurch* in the Burrough of *Southampton*.

A Petition of *Humphrey Courney* and *Thomas Kendall* Esquires, touching the Election for the Burrough of *Weston* in the County of *Cornwall*.

A Petition of *Sir John Duncombe* Knight, and *George Walsh* Esq; touching the Election for the Burrough of *Eye* in the County of *Suffolk*.

A Petition of *Samuel Rolls* and *James Vernon* Esquires, touching the Election for the Burrough of *Penryn* in the County of *Cornwall*.

A Petition of *Sir John Trevor* Knight, touching the Election for the Shire Town of *Montgomery*.

A Petition of *Thomas Neal* and *John Garrard* Esquires, touching the Election for the Burrough of *Ludgarshall* in the County of *Wilts*.

A Petition of *Sir John Talbot* Knight, and *John Smith* Esquire, touching the same Election.

A Petition of *William Strode* and *John Speke* Esquires, touching the Election for the Burrough of *Ikester* in the County of *Somerset*.

A Petition of *Sir Robert Henley* Baronet, touching the Election for the Burrough of *Bridport* in the County of *Dorset* was read.

Ordered,

That the said several Petitions be referred to the consideration of the Committee of Elections and Privileges, to examine the matter thereof, and to report the same with their Opinion therein to this House.

A Petition of *Sir Robert Atkins* Knight of the Bath, *Sir John Knight* Knight, and other Burgesses and Freeholders of the City of *Bristol*, touching the Election for the said City was read.

Ordered, That the matter of this Petition be heard at the Bar of this House on next Monday sevennight.

A Petition of *Richard Middleton* Esq; touching the Election for the County of *Denbigh* was read.

Ordered, That the Merits of this Petition be heard at the Bar of this House next Wednesday sevennight.

A Petition of *Thomas Hume* Esq; touching the Election for the City of *Worcester* was read.

Ordered, That the Merits of this Petition be heard at the Bar of this House upon the Debate on next Monday fortnight.

A Petition of the Citizens and Freemen of the City of *Exon*, touching the Election for the said City was read.

Ordered, That the matter of this Petition be heard at the Bar of this House next Monday three weeks.

William Love being elected and returned to serve in this present Parliament, as one of the Knights for the County of *Salop*; and also a Burgess for the

Burrough of *Newcastle under Line* in the County of *Stafford*, made his Election to serve for the County of *Salop*.

Ordered, That *Mr. Speaker* do issue out his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burgess to serve in this present Parliament for the Burrough of *Newcastle under Line*, in the room of the said *William Leverson Gore*.

Resolved,

That the Votes and Proceedings of this House be printed, and that the care of the printing thereof, and the appointment of the Printers, be committed to *Mr. Speaker*.

Ordered, That the thanks of this House be given to *Mr. Speaker* for the Speech by him made in the House of Lords, upon his being presented to His Majesty, and that he be desired to print the same.

The House taking notice, that a Bill which passed both Houses the last Parliament, entituled, *An Act for the Repeal of a Statute made in the 35th. year of Queen Elizabeth*, was not presented to His Majesty (as the rest of the Bills were) for his Royal Assent.

Resolved, That this House will to Morrow morning at Ten of the Clock, take into consideration by what means the said Bill miscarried.

Resolved Nemine Contradicente.

That this House will on Saturday morning next, at Ten of the Clock, consider of means for the security of the Protestant Religion, and for the safety of the Kings Person.

Veneris, 25 die Martii, 1681.

A Petition of *Henry Whitehead Esq;* Touching the Election for the Burrough of *Stockbridge* in the County of *Southampton*, was read.

Ordered,

That the said Petition be referr'd to the consideration of the Committee of Elections and Priviledges to examine the Matter thereof, and report the same, with their Opinions therein, to the House.

Ordered,

That *Mr. Hampden*, *Sir Francis Winnington*, &c. or any three of them, do inspect the Journals of the Late Parliaments relating to the Impeachment of *Thomas Earl of Danby*, and do immediately make Report thereof to the House.

A Message from the Lords by *Sir Timothy Baldwin*, and *Sir Edward Low*.

Mr. Speaker,

The Lords have sent you the Answer of *Sir William Scroggs*, Knight, Chief Justice of his Majestie's Court of *Kings Bench*, to the Articles of Impeachment exhibited against him by the Commons in the Late Parliament Assembled; as also a Petition from him to the Lords.

A Petition of *Thomas Wise Esq;* Touching the Election for the Burrough of *Banbury* in the County of *Oxon*, was read.

Ordered,

That the said Petition be referr'd to the consideration of the Committee of Elections and Priviledges, to examine the matter thereof, and report the same, with their Opinions therein, to the House.

A Petition of the Burgessees of the Burrough of *Marlborough* in the County of *Wilts*. Touching the Election for the said Burrough, was read.

Ordered,

That the said Petition be referr'd to the Consideration of the Committee of Elections and Priviledges to Examine the matter thereof, and Report the same, with their Opinions therein to the House.

A Petition of *Sir Tho. Littleton*, Baronet, and *Tho. Cooke Esq;* Touching the Election for the Borough of *Truro* in the County of *Cornwall*, was Read.

Ordered,

Ordered,

That the said Petition be refer'd to the Consideration of the Committee of Elections and Priviledges to Examine the matter thereof, and Report the same, with their Opinions therein, to the House.

Ordered,

That Leave be given to bring in a Bill to take away the Court, holden before the President and Council in the Marches in *Wales*.

It being Represented to this House, by several Members, that many Counties, Cities and Boroughs, have freely without Charge, Elected many of their Members in this present Parliament, according to the antient Constitution of Elections of Members to serve in Parliament.

Wherefore this House doth give their thanks to such Counties, Cities and Burroughs, for their said Elections.

Ordered,

That a Committee be appointed to consider of a more convenient place in *Oxon*, for the sitting of the Commons in Parliament now Assembled, and to make report thereof to the House.

The House then according to their order, took into consideration the matter relating to the Bill, which passed both Houses in the last Parliament, Entituled, *An Act for the Repeal of a Statute made in the 35. Year of the Reign of Queen Elizabeth*, but was not tender'd to his Majesty for his Royal Assent.

Resolved,

That a Message be sent to the Lords, desiring a Conference with their Lordships, in matters relating to the Constitution of Parliaments, in passing of Bills.

Ordered,

That a Committee be appointed to consider of, and prepare the subject matter to be offer'd at the said Conference.

Mr. *Hamden* Reports the Proceedings of the late Parliaments, relating to the Impeachment of the Commons of *England*, against the Earl of *Danby*.

Ordered,

That a Message be sent to the Lords, to mind their Lordships, that the Commons in Parliament Assembled, have formerly by their Speaker demanded judgment at the Bar of the Lords House, upon the Impeachment of the Commons, against *Thomas Earl of Danby*, of High Treason, and to desire their Lordships to appoint a Day to give judgment against the said *Thomas Earl of Danby*, upon the said Impeachment, and that the Lord *Cavendish* do go with the said Message.

Sir *George Treby* acquaints the House, that he, together with Sir *Robert Clayton*, had taken the Examination of *Edward Fitz-Harris*, relating to the Popish Plot, which he read in his place, and afterwards deliver'd the same in at the Clerk's Table.

Ordered,

That the said Examination be forthwith Printed, which here follows.

The Examination of Mr. Fitz-Harris, relating to the Popish Plot, taken March 10. 1683.

WHo saith, that he was born in *Ireland*, and is the Son of Sir *Edward Fitz-Harris*; and that he was Bred, and is a *Roman Catholick*: That in One Thousand six hundred sixty two, he went first out of *Ireland*, and then went into *France* to learn the Language as an Accomplishment, being then of the Age of fourteen years. In One Thousand six hundred sixty five, he returned thence through *England* into *Ireland*, where he continued till about One Thousand six hundred sixty eight when he went to *Prague* in order to serve the Emperour in his War in *Hungary*, but there then finding

finding a Peace concluded, he came by the way of *Flanders* into *England*.

And then *Sir George Hamilton* being about Raising a Regiment of Fifteen hundred foot in *Ireland* for the French King's Service; this *Examinant* obtained from *Sir George Hamilton* a Commission to be Captain of one of the Companies in that Regiment to be Raised. Whereupon he went into *Ireland*, Raised the Company, and conducted them into *France*; and soon after his Landing there, he was reformed and discharged of his said Command; whereupon he went to *Paris*, and having but little money, he lived there difficultly about a year.

In One Thousand six hundred seventy two, going about to take his Leave of *Father Goughan* an English Priest at *Paris*, he saith to this purpose;

You are going for *England*; within these two or three years you will see the Catholick Religion Established there as it is in *France*.

The *Examinant* asking him how that could be, since the King was a Protestant; he answered, if the King would not comply, there was Orders taken and things so laid, that he should be taken off or killed.

That the Duke of *York* was a Catholick, and in his Reign there would be no difficulty of doing it; This *Examinant* then asking him how long the Duke had been a Catholick; he answered, that the Queen Mother had made him so.

He further said, that the Declaration of Indulgence was in order to that end of Introducing the Catholick Religion in *England*.

And that to the same end the War was made against *Holland*, for that *Holland* was a Nest of Hereticks, and if they were destroyed, the Work would be easily done in *England*, because the English (or English Protestants he said) would then have no Assistance from abroad.

And he said that *Madam* came over to *Dover* about this design.

The *Examinant* coming over about the end of *October*, One Thousand six hundred seventy two, about *February* following had a Commission to be Lieutenant of Captain *Sydenham*'s Company in the Duke of *Albemarle*'s Regiment, which was then Raised, being one of the Regiments in the Army, which was the Summer following Muster'd at *Black Heath*. And he says, he knew many of the Lieutenant-Colonels, Majors, Captains, and Officers of that Army to be Roman Catholicks.

That afterwards the Army passing to disable Roman Catholicks to bear Office; he and others of them were forced to quit their Commands.

And says, that the common Intelligence and Opinion among them was, that that Army was Raised with design to bring in and settle the Roman Catholick Religion in *England*, for which end the Invasion of *Holland*, and the sowing of the City of *London*, were fit means.

But the Measures that were thus taken being broken by means of the Peace; and by the Duke of *York*'s, as well as these and other Officers quitting all Commands, and the King failing in the expectations they had from him; the Roman Catholicks that were engaged in this Council came to a resolution to destroy the King, as *Father Parrey*, Confessor to *Don Francisco de Melo*, the Portuguese Ambassador told this *Examinant* in One Thousand six hundred seventy three.

And said, if all other means failed, the Queen would procure the doing of it.

And he says this *Father* used this confidence towards him, because he was well acquainted with him, and used to confide in him.

And this *Father* repeated the same discourse to him in Summer One Thousand six hundred seventy eight, with more assurance; adding then, that the business was now near, and he should soon see it done.

About *April*, One thousand six hundred seventy nine, *Marquess Mountecuculy*, Envoy from the Duke of *Modena*, after having sworn him to secrecy, told him, that if he would undertake the killing the King, either in his own Person, or by any other, that he should have Ten Thousand Pounds; which he refusing, the *Marquess* said, if you will not, the Dutches of *Mazarine* understands Poisoning as well as her Sister, and a little Vial, when the King comes there, will do it.

And this *Examinant* had a great acquaintance with the said *Marquess*, having first met him several times at the Dutches of *York*'s Chappel, and afterwards, Lett him a house, and sold him the Furniture therein, and has very often eaten, drank, and walk'd with him.

And

And the Marquis at the same time told him, that upon killing the King the Army in *Flanders* and parts adjacent to *France*, was to come over into *England* to destroy the Protestant Party; and that money was levying in *Italy*, to recruit and supply Forces in the place of those that should so come over into *England*.

And that after that time there should be no more Parliaments in *England*; and that the Duke of *York* was privy to all these designs.

That about *April*, One thousand six hundred and eighty, he met *Kelly* the Priest at *Calais*, who there in discourse with him owned, that he was one of the persons concerned in the murder of *Sir Edmundbury Godfrey*, and that the same was done much in manner as *France* had related it.

This *Examinant* hath known *Kelly* about twelve years, in part of which time he has had intimate conversation with him, and hath sometimes confessed to him,

That he hath been acquainted six or seven years with *Monsieur De Puy*, a servant to the Duke of *York*; and that soon after the murder of *Sir Edmundbury Godfrey*, this *De Puy* told this *Examinant*, that that murder was consulted at *Windsor*.

And about the same time said, that the Duke was very desirous to come to the Crown, for that the King was uncertain, and did not keep touch with them. And that *De Puy* said, there was a necessity of taking off the King, and that it would be soon done.

That the Duke of *York* having an Estate in *Ireland*, a part of which was this *Examinant's* Father's, and this *Examinant* being acquainted with Father *Bedi gfield*, asked him, how he could give absolution to the Duke, till he had made Restitution. The Father said, that every Penitent was supposed to know his own sins, and to make them known to his Confessor. To which this *Examinant* replying with some warmth; But since you know it, you ought to take notice thereof. The Father answered, Be not angry, for ere it be long you may be in a better condition.

March One thousand six hundred seventy nine eighty, he went to *Paris* to compound a Debt he owed there; staying there about eight days, where meeting Father *Patrick* (who well knew this *Examinant's* Father and Friends, and this *Examinant*) talking of a Rupture that might be between *England* and *France*, he said the *French* intended in such case to send *Marshal Belfonds* into *Ireland* with an Army of Ten thousand Foot and Two thousand Horse, with Arms and Ammunition for 30000 Men more to be raised in *Ireland*, and the Father promised this *Examinant* a Regiment of the Men so to be Raised, and Armed in *Ireland*, and the Design was to restore that Kingdom to its former Owners, subject to the *French*.

He also desired him to send him all the Libels that came out in *London*; and said, that Libelling the King and the Government, was a thing necessary to be done, in order to distaste the King, and make him afraid and jealous of his People.

That he knew Mr. *Everard* at *Paris*, in One Thousand six hundred sixty five, and hath since continued and increased his acquaintance with him; that the opinion of Father *Patrick* was an encouragement to him to correspond and concur with Mr. *Everard*, as to the Libel lately written by Mr. *Everard*.

Capt. 10 *Martii*,
1681. coram.

ROB. CLAYTON,
GEO. TREBY.

Resolved,

That the same *Edward Fitz-Harris* be impeached of High Treason, in the name of all the Commons of *England*, and that Mr. Secretary *Jenkins* do to Morrow Morning go up and impeach him, at the Bar of the Lords House. Ordered,

That it be refer'd to *Sir Francis Winnington*, *Sir William Jones*, &c. to draw up and prepare Articles of Impeachment against the said *Edward Fitz-Harris*. Ordered,

That *Sir George Treby* do to Morrow Morning give the House an account of the Information given by Mr. *Serjeant*, relating to the Popish Plot.

And then the House Adjourned till 8 to Morrow Morning
Sabbati 26. die Martii, 1681.

SIR *Robert Howard* Reports from the Committee appointed to consider of a more convenient place in *Oxford* for this House to sit in, That the Theatre was the most convenient place they could find for that purpose. Resolved,

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That

That an humble Address be presented to his Majesty from this House, by such Members thereof as are of His Majesties most Honourable Privy Council, humbly representing to His Majesty the inconvenience of the place where the Commons now Sit in Parliament; And that the House having by a Report from a Committee appointed to consider of a more convenient Place for their Sitting, been informed, that the *Theatre in Oxford* is a more convenient place for their Sitting: Wherefore the Commons Humbly beseech His Majesty to command the *Theatre* may be fitted and prepared for their Sitting there.

Sir *William Jones* reports from the Committee appointed to prepare the Subject matter of the Conference, desired to be had with the Lords in matters relating to the Constitution of Parliament in passing Bills, the matter agreed upon by the said Committee.

Ordered,

That the Lord *Dursey* do immediately go up to the Lords to desire such Conference.

Sir *John Fagg* being returned a Knight of the Shire to serve for the County of *Sussex*, and likewise a Burgess to serve for the Burrough of *Steyning* in the said County, made his Election to serve for the said County.

Ordered,

That Mr. *Speaker* do issue out his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Burgess to serve in this present Parliament for the said Borough of *Steyning*, in the room of the said Sir *John Fagg*.

A Petition of the Citizens and Inhabitants of *New Sarum*, touching the Election for that City, was read.

Ordered,

That the said Petition be referred to the consideration of the Committee of Elections and Privileges, to examine the matter thereof, and to report the same, with their Opinions therein, to the House.

Sir *George Treby* reports several Examinations taken from Mr. *John Serjeant* and *David Maurice*, relating to the Popish Plot, which he read in his place, and afterwards delivered the same in at the Clerks Table, where the same being Read,

Ordered,

That the said several Informations be forthwith Printed, which Informations here follow.

The Informations of John Serjeant, and David Maurice, Relating to the POPISSH PLOT, &c.

Being in Company with an *English* Gentlewoman in *Flanders*, who is a *Roman* Catholic, about the later end of *August*, 1679. and the name of Mr. *Gaven*, one of the Five Jesuits who suffered that Summer, coming into discourse, she began to express with some horror the Scandal she had received from a wicked piece of Doctrine he maintain'd in her hearing, which was, *That the Queen might Lawfully Kill the King for Violating her Bed*: And, that when she set her self to oppose it as most unchristian Doctrine, and tending to destroy Soul and Body both, and alledg'd, that therefore it was better to suffer it patiently for God's sake, he with much vehemency and earnestness stood to it, *That she might not only lawfully do it, but was bound to it*; and that, if she did not, she was guilty of his greater Damnation, in letting him continue so long in sin. This is the substance of what she related, and, as near as I can remember, the words. The Gentlewomans Surname is *Skeypwith*, her Christen name (as I remember) *Mary*.

It pleas'd his most Sacred Majesty, to whom (as my Duty bound me) I had writ it before, when I appear'd before his most Honourable Privy Council, the last Day of *October* following, to ask me what were my present thoughts of the truth of that Relation at the time that I heard it, all Circumstances weighed; to which being then upon my Oath, as Truth and Conscience oblig'd me, I answered, *That I did incline very much to believe it*: For which rashness and uncharitableness of mine (as some interpret it) in entertaining that Sentiment so easily upon the Testimony of one single person, great noise has been made against me, as if Passion had byast me to that persuasion. Wherefore to clear my Ingenuity and Sincerity in this point to his Majesty and his Council (of whose good Opinions only I am sollicitous) I humbly offer here the Reasons which mov'd me to think thus: They are these.

I had particular reason to judge that this person was at this time that I knew her, and she related this, very scrupulously Conscientious, and a good Woman; and I conceiv'd that

that

that her present disposition was most (and indeed only) to be considered in that present Relation; nor had I ever heard any harm of her former Life.

She seem'd particularly Conscientious in making this Relation, lifting up her hands and eyes to Heaven, with these words; *God knows my heart, I would not say it to gain the whole World, if it were not true.*

I had never heard, nor could then discern that she had the least pique against Mr. Gaven's Order.

She spoke it voluntarily, none inciting or moving her to it.

The manner in which she deliver'd it, seem'd very candid and unaffected; and it came out naturally and occasionally, nor did it at all look like a premeditated or sought thing.

She spoke it out of her sense of the Scandal she received by it, which seem'd a Motive well becoming a good Christian; and so an argument of her sincerity.

She told the same Story the second time to another person, my self present; at least the substance of it.

She never recommended it as a Secret either to him or me, whereas one who forges would be apt to desire the concealment of the false story they relate, lest by discovering it, it may come to be confuted, and themselves shamed; which she had the more reason to fear, because the thing related was of so high a consequence.

She named time, place, and persons present; which expos'd her to an easy confute if it were not true.

The Tenour also of the Discourse seem'd to render it credible, her Objection being such as was likely to come from a good well-meaning person of her pitch; and his Reply abetting it very like a Man wilfully bent to maintain an absurd Position (as is the manner of Passion and Heat) with advancing another more absurd.

Now, as these Considerations inclin'd me strongly to think her sincere, so it seem'd to me she could not be mistaken in the sense of his Discourse, or misunderstand him, the Doctrine being about a matter of Fact of the highest concern in the world; and the words which are apt to express it not being Artificial or Speculative, but natural & common Language. Besides, her Contest with him about it must needs have clear'd his meaning.

These are the Reasons why I apprehended that Relation to be true; which yet I produce not here to Charge Mr. Gaven, but to discharge my own Credit and Conscience, and to give your Majesty and your Council the best light I am able to judge of that business.

In Testimony of what's above, I subscribe my Name, Feb. 11. 1679.

JOHN SERJEANT

The Information of David Moris

I Underwritten do hereby upon Oath Attest, that being last August at Brussels, and going to see an old Acquaintance, I found Mr. Serjeant there (little thinking to see him so near the Internuncio) he told me, there was a Gentlewoman who said that Mr. Gaven maintained it was lawful for the Queen to kill the King, for violating her Bed: which I hardly believing, he brought me up stairs where she was, where I heard it with my own ears. After some discourse concerning the wickedness of such Doctrines, I asked her, where this hapned? She answered (as I remember) in Covent-Garden, at the Brother-in-laws of Mr. Gaven, and named the persons that were present, whom I knew not; nor did I think further of it, more than to admire the indiscretion of his descending to such particulars, and her acting his heat to maintain his Paradox, when she opposed him: The rest, I knew to be agreeable to their Principles; having bought Escobar some years since on purpose to see whether the Provincial Letters misrepresented them or not: where I found it lawful to kill a man that calumniated a Religious Order: and I am sure that what makes lawful for a Jesuite to kill a man that wrongs his Order, makes also lawful for a Wife to kill her husband if he wrongs her Bed.

My going to Brussels was to see what became of the benevolence sent by the Pope to those Countreys for refus'd English Catholics; and found, who vow immediate obedience to the Pope to be the distributors, and who swore no Allegiance but to their King, to be debar'd such publick favours: for the English Jesuite Procurator there, told a worthy Clergy Priest, there was nothing for him, meaning such as he: of which I know no reason, unless it be that the Clergy would never admit of any extraordinary authority from Rome, unanimously agree never to receive any Bulls, or other Orders from Rome, without the Kings Licence, and permission of the State, and ever opposed the deposing Power, Duties which anciently belonged to the Imperial Crown of

of this Realm, and ought still to be observed by us. Which sufferings of theirs for so good a cause is humbly submitted to your Majesties most gracious consideration.

Feb. 11. 1680.

David Morris.

This House having taken into solemn debate and consideration the means for the security of the Protestant Religion, and for Safety of the Kings Person, doth resolve, That a Bill be brought in for excluding *James Duke of York* from Inheriting the Imperial Crowns of *England* and *Ireland*, and the Dominions and Territories thereunto belonging.

Ordered,

That a Committee be appointed to prepare and draw up the said Bill, and it is referred to Sir *William Jones*, &c.

Adjourned to 5 of the Clock *Post Meridiem*.

Sabbati 26. Martii, Post Meridiem

THe House being informed, That the Lords had refused to proceed upon the Impeachment of the Commons against *Edward Fitz-Harris*, and had directed that he should be proceeded against at the Common-Law, and a Debate arising in the House thereupon.

Resolved,

That it is the undoubted Right of the Commons in Parliament assembled, to impeach before the Lords in Parliament any Peer or Commoner for Treason, or any other Crime or Misdemeanour: And that the Refusal of the Lords to proceed in Parliament upon such Impeachment, is a Denial of Justice, and a Violation of the Constitution of Parliaments.

Resolved,

That in the case of *Edward Fitz-Harris*, who by the Commons has been Impeached for high Treason before the Lords, with a Declaration, That in convenient time they would bring up the Articles against him; for the Lords to Resolve, that the said *Fitz-Harris* should be proceeded with according to the course of Common Law, and not by way of Impeachment in Parliament, at this time, is a Denial of Justice, and a Violation of the Constitution of Parliaments, and an Obstruction to the further discovery of the Popish Plot, and of great danger to his Majesties Person, and the Protestant Religion.

Resolved,

That for any inferior Court to proceed against *Edward Fitz-Harris*, or any other Person lying under an Impeachment in Parliament, for the same Crimes for which he or they stand Ampeached, is an high Breach of the Priviledge of Parliament.

Ordered, That a Bill or Bills be brought in for the better Uniting of all his Majesties Protestant Subjects.

Ordered,

That a Bill be brought in for Banishing the most Considerable Papists of *England*, one of His Majesties Dominions by their Names.

Adjourned, &c.

Lune 21. die Martii, 1681.

A Petition of Sir *John Sidnam*, touching the Election of a Knight to serve in this present Parliament for the County of *Somerset* was read.

Ordered,

That the said petition be referred to the Consideration of the Committee of Elections and Priviledges.

Ordered,

That Mr. *Speaker* do issue out his Warrant for sending for Persons, Papers and Records, in such Elections, as are appointed to be heard at the Bar of the House.

A Petition of *Edward Nefeworth Esq*, touching the Election for *Leisland* was read, and referred to the Committee of Elections and Priviledges.

Ordered,

That every Knight of the *Shire* do pay ten Shillings, and every Citizen and Burges five Shillings to be distributed amongst the Officers attending the House.

A Bill for Excluding *James Duke of York*, to Inherit the Imperial Crown of *England*, and the Dominions and Territories thereunto belonging.

Ordered,

That the Bill be read a Second time to Morrow Morning at Ten of the Clock in a full House.

A Message from His Majesty by Mr. *Edward Dappa*, Deputy-Usher of the Black-Rod.

Mr. *Speaker* is desired to attend His Majesty.

The King Commands this honourable House to attend Him immediately in the House of Peers.

And accordingly Mr. *Speaker* with the House went up to attend His Majesty, where His Majesty was pleased to Dissolve this present Parliament.

